



Minutes

August 10, 2006

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

The Metropolitan Planning Commission met in regular session on August 10, 2006 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

	Mr. Randy Massey, Chair	Mr. Philip French
*	Ms. Susan Brown	Mr. Dick Graf
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	Mr. Robert Anders	Ms. Kimberly Henry
	Mr. Trey Benefield	Mr. Stan Johnson
	Mr. Art Clancy	A Mr. Chester Kilgore
A	Mr. Herbert Donaldson	Mr. Robert Lobetti
	Mr. Ray Evans, Vice Chair	Mr. Jack Sharp
		A Ms. Mary Slack

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Buz Johnson called the role.

Mr. Ray Evans led the invocation and Pledge of Allegiance.

* 2. APPROVAL OF AUGUST 10, 2006 AGENDA

THIS ITEM WAS APPROVED ON CONSENT.

* 3. APPROVAL OF July 13, 2006 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

Postponements to be voted on read

Added Items 69, 70, 71 and 72 City of Knoxville rezoning cases.

Mr. Arthur Seymour: Remove Oliver Smith Item 73a&b from consent and postpone 30 days.

MOTION (GRAF) AND SECOND (EVANS) WERE MADE TO APPROVE POSTPONEMENTS AS READ EXCLUDING ITEM NOS. 19, SHANNON VALLEY FARM CONDOMINIUM, 69, 70, 71, & 72 CITY OF KNOXVILLE, 73A&B OLIVER SMITH AND 76 SOUTHLAND GROUP UNTIL THE SEPTEMBER 14, 2006 MPC MEETING. MOTION CARRIED 10-0. POSTPONEMENTS APPROVED.

MOTION (GRAF) AND SECOND (EVANS) WERE MADE TO APPROVE POSTPONEMENTS 60-DAYS AND 90-DAYS AS READ UNTIL THE OCTOBER 12 AND NOVEMBER 9, 2006 MPC MEETINGS RESPECTIVELY. MOTION CARRIED 10-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

KNOX COUNTY ZONING ORDINANCE AMENDMENT

10-A-04-OA

Definitions and development standards for adult oriented establishments, including, but not limited to, bookstores and motion picture theaters, and changes to related sections

LAKEVIEW POINT

1-SC-05-C

West side of Fredonia Rd., north of Merchant Dr., Council District 3.

ROSEBAY PLACE

8-SB-05-C

East side of Rosebay Rd., south of Garden Dr., Council District 4.

ANDREWS POINTE - GARY ANDREWS

a. Concept Subdivision Plan

12-SH-05-C

South side of Westland Dr., southwest of S. Northshore Dr, Commission District 5.

b. Use On Review

12-G-05-UR

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

WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R

1-SF-04-F

Southeast side of Buffat Mill Rd., Council District 4.

HATAUB SUBDIVISION

6-SY-05-F

West side of Hickory Creek Rd., north of Everett Rd., Commission District 6.

HILL PROPERTY 4-SG-06-F
Northwest side of Greenwell Rd., northeast of Pedigo Rd.,
Commission District 7.

EMORY PLACE 4-SX-06-F
Northwest side of E. Emory Rd, southwest of Bishop Rd,
Commission District 6.

SHOREWALKER PLACE, LLC 7-F-05-RZ
South side Middlebrook Pike, southeast side Broome Rd., Council
District 2. Rezoning from R-1 (Single Family Residential) to RP-1
(Planned Residential).

NORMAN SHAW 4-H-06-PA
Northwest side Asheville Hwy., southwest of Grata Rd. One Year
Plan Amendment from LDR (Low Density Residential) to O
(Office). Council District 6.

DONNY MEADOWS 3-I-06-UR
North end N. Hembree St., east end Nichols Ave., southeast side
I-40. Proposed use: Apartment complex in RP-1 (Planned
Residential) Pending District. Council District 6.

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

TABLINGS – (I ndicated with T)
None

CONSENT ITEMS

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

KIM HENRY RECUSED FROM VOTING ON THE CONSENT LIST.

Mr. Fred Wallace: 8006 Lett Road. Ask that Item 83 Nancy Nicholson be
heard.

Mr. Charles Godfree 5123 Crippen Road. Ask that Item 88 be heard.

**MOTION (CLANCY) AND SECOND (ANDERS) WERE MADE
TO HEAR THE CONSENT ITEMS AS READ EXCLUDING
ITEMS 83 NANCY NICHOLSON & 88 MPM DEVELOPMENT.
MOTION CARRIED 9-0-1.**

**MOTION (CLANCY) AND SECOND (ANDERS) WERE MADE
TO APPROVE CONSENT ITEMS AS READ EXCLUDING**

**ITEMS 83 NANCY NICHOLSON & 88 MPM DEVELOPMENT.
MOTION CARRIED 9-0-1. CONSENT ITEMS APPROVED.**

Ordinance Amendments:

- P 5. METROPOLITAN PLANNING COMMISSION 7-A-06-OA**
Amendments to the City of Knoxville Zoning Ordinance to allow residential uses within the C-3, C-4 and C-6 Districts.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 6. METROPOLITAN PLANNING COMMISSION 7-B-06-OA**
Amendments to the Knoxville Zoning Ordinance adding to Article 4 a new section creating the IH-1 Infill Housing Overlay to provide infill housing development standards for neighborhoods.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 7. METROPOLITAN PLANNING COMMISSION 7-C-06-OA**
Amendments to the Knox County Zoning Ordinance, Article 5, Section 5.51, EC Employment Center Zone, amending subsections regarding uses permitted, site development standards and administration.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 8. METROPOLITAN PLANNING COMMISSION 8-A-06-OA**
Amendments to the Knoxville City Zoning Ordinance to clarify home occupation requirements regarding residency of those engaged in the home occupation.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

- P 9. CHEROKEE RIDGE, LLC 6-B-06-SC**
Request closure of Stekoa Ln between Schaad Rd. and Stekoa Ln. western cul-de-sac right of way, Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 10. JOE HILL 8-A-06-AC**
Request closure of Unnamed alley between W. Scott Ave and rear (northwest) property lines of parcels 081NM010 and 013, Council District 5.

STAFF RECOMMENDATION: Deny closure

Mr. Michael Brusseau: Reason for denial is the alley, even though it is a paper alley and actually a yard, is the only legal access to several lots behind Mr. Hill's neighbor to the east. Both MPC and City of Knoxville Engineering agree that closure would eliminate the only legal access to several lots.

Ms. Barbara Hill: 3811 Buffat Mill. This is more commercial property than residential. We own piece to west side of the lot with two homes. The back side is complete landlocked. Can we survey it and have it graveled like other alleys so the back house can have a way to get to their front door in the wet weather? We cannot even use it to get to the back of our property.

Mr. Brusseau: The issue is they do not own the property that if this were closed that would eliminate access to. If the adjacent owners were to combine the four lots, then the alley would not be serving the back lots. Unless that were to happen, the alley is only legal access for those back lots. It appears that the fence of the neighbor opposed to this closure goes over into the alley and it is being maintained as their yard. That is a private matter. If they want to use that alley, they would have to take that up privately.

Mr. Ray Evans: You asked for the alley to be closed. And then you said you would like it graveled.

Ms. Hill: We would like the alley to be closed and put a fence down the middle. Then we could put a driveway to the back house.

Mr. Evans: You could not put an alley down a City right-of-way. If we vote to close it, then City Engineering could lead you to the right person to be sure you have access all the way back.

Mr. Art Clancy: Is this deeded to the City.

Mr. David McGinley: City Engineering. It is public right-of-way. If she is interested in building an alley she can survey it, get an engineers plan and then build the alley per city specs. Gravel is not an appropriate surface for that. The City normally does not maintain alleys.

MOTION (EVANS) AND SECOND (HENRY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-0. DENIED.

Street or Subdivision Name Changes:

- * **11. LANDVIEW DEVELOPMENT, LLC** **8-A-06-SNC**
Change Windsor Pointe Lane to 'Wellington Chase Lane' between Thompson Rd and deadend, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **12. KNOX COUNTY** **8-B-06-SNC**
Change Unnamed driveway to 'Veterans Way' between Coward Mill Road and deadend, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **13. KNOX COUNTY EMERGENCY SERVICES** **8-C-06-SNC**
Change Unnamed street to 'Robert Webb Ln' between Webb School Lane and Deadend, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **14. KNOX COUNTY EMERGENCY SERVICES** **8-D-06-SNC**
Change Webb School Ln to 'Webb School Dr' between Mabry Hood Road and Dutchtown Road, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Plans, Studies, Reports:

None

Concepts/ Uses on Review :

- W 15. NORTHSHORE DR. SUBDIVISION - HOLROB INVESTMENTS, LLC** **6-SD-06-C**
South side of S. Northshore Dr., north side of Crystal Lake Dr. Council District 2 & Commission District 4.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * **16. BLUE GRASS VILLAGE - JOE TOUCHTON** **7-SB-06-C**
 - a. Concept Subdivision Plan**
Southeast side of Bluegrass Rd., northeast of Legacy Park Rd., Commission District 5.

STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 10 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Use On Review**

7-B-06-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 9 detached single family dwellings on individual lots subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **17. WOODED RIDGE (FORMERLY PBM PROPERTIES) - JOE TOUCHTON**

7-SC-06-C

a. Concept Subdivision Plan

Southwest side of Dogwood Rd., southeast of Solway Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-5 and the concept plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Use On Review**

7-D-06-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 29 detached single family dwellings on individual lots subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

18. COVERED BRIDGE AT HARDIN VALLEY, UNIT 2 - CORNERSTONE DEVELOPMENT GROUP

7-SD-06-C

a. Concept Subdivision Plan

Northeast side of East Gallaher Ferry Rd., north of Hardin Valley Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1 & 2 and the concept plan subject to 14 conditions.

Mr. Arthur Seymour Jr on behalf of applicant.

This is a 44 acres concept plan. Initially submitted last year and more property has been acquired. This is a revised plan that would supersede last years plan. Major difference is 1) it has more acreage. The entrance now will face phase I of Covered

Bridge development. This property is on the east. Entrance to Phase II will then line up and there are good reasons for that. The amenity package for whole development is on the west side of Gallaher Ferry Road. In discussions with MPC, Knox County Engineering and our engineers it was felt it would be best to have a road and pedestrian connection so that homeowners in Phase II would also have access to the amenity package. Opposition is concerning the new entrance. Other concern is a 50-foot tree buffer. There is a common area 50 feet along the west boundary of Phase II. If we put an entrance there, we will have to cut some trees. There will not be a great swath of trees cut and those that are will be replaced except those needed to keep roadway open and maintain sight distance. New entrance is a much more rational connection between Unit 1 and Unit II and is in accord with the guidelines from MPC. Overall density is still in keeping with the area.

Mr. John King: P.O. Box 2425, Knoxville, TN 37901 on behalf of Gordon Meyer and other who own property in the area. Factual basis upon which negotiations and things permitted occurred is now being changed after they got their requested density. Originally approved was a plan on east side that was a narrow strip with access on Hardin Valley Road. What was paramount in the interest of parties at the time was to preserve Hardin Valley as a rural road lightly traveled with trees on both sides. They acquired additional 27 acres on the other side of the street as a long strip along Hardin Valley Road. This plan eliminates houses for lots south of creek. Access is on each side of Hardin Valley. We go into additional 27 acres straight on through a stub road which leads to access to a large area zoned agricultural. We eliminated access from Hardin Valley and now going to put traffic from this 104 onto Gallaher Ferry Road. What the agreement was at the time it was approved was the tree protection would be 50 feet off the edge of the pavement of Gallaher Ferry Road. Those restrictions would require approval of homeowners association before any hardwood trees more than 8 inches in diameter could be removed as part of development or construction on any restricted lot and could be enforce by any homeowner in the development if homeowners association failed to act. They are now also talking about clearing trees for sight distance. One of the reasons the developer sought this in phases was because of cost of infrastructure. This was a bit of a feat because of extra features that cost money. One of which was a bridge. Now they have additional property and do not want to bear the cost of building the bridge which was the basis for all the other things were put in place. The last traffic count done by MPC on Gallaher Ferry Road for 24 hour period had 519 cars. Now we are putting a development on the west side and we understood that at 1.8 units per are. Now we have additional 104 over here and traffic

trips will be in excess of 7 times of the latest count. I measured and counted lots. It is approximately 1700 feet down Hardin Valley Road and all traffic will go through this area. There was nothing wrong with their original plan. The reason they do not want to do their original plan is it cost them more money to cross that creek. If they get this approved this day I think you will see another proposal to finish out stub road to go to parcels to East Gallaher Ferry Road. This is not right. We dealt in good faith with these people and we thought we got what we wanted. We told them from day that that was our major interest in protecting that rural route and wanted those trees to remain.

Mr. Seymour: Stub road was a request from MPC staff and we will remove it if that is the objection. There was an implication that all the traffic from Phase I would be entering on Gallaher Ferry Road. There is an entrance to Phase I on Hardin Valley Road, as well as Gallaher Ferry Road. As far as trees you have to put a road. That is all that is to be disturbed and otherwise the tree buffer will remain. Why not the entrance on Hardin Valley Road. Because Hardin Valley is already heavily traveled. A safer entrance is on Gallaher Ferry Road for phase II as well as entrance for Phase I. Traffic will go south with better access to Pellissippi and stores. The tree buffer will remain except where the road is cut.

Mr. Art Clancy: On the original concept plan where it connects to Hardin Valley and crosses a creek, Connor Creek, has anybody from Knox County Engineering asked you not to go through that creek. Seems like more environmentally friendly not to cross the creek and safer.

Mr. David Harbin 4334 Papermill Yes, I have talked with Knox County Engineering who would prefer us not to cross the cree. If we have to do it there is a long a length process. TDEC would prefer us to stay away from the creeks if at all possible.

Mr. Clancy: As far as the tree buffer, do we have sight distance without cutting any more trees other than must the entrance?

Mr. Harbin: There is going to be a 65 to 75 foot area just to get the road in and the banks sloped back. When we move those trees to get the banks in, we should be able to get sight distance. You are talking about a section about 75 feet long that would have to be graded.

Mr. Clancy: I looked at that and approve subject to variances.

COMMISSIONER SUSAN BROWN ARRIVED TO THE MEETING AT THIS TIME.

Mr. Evans: How far is it from entrance of this subdivision down to that split? Mr. Harbin answered 1,000 feet. I went out there several times and not one car passed. It is an extremely rural winding area. Think entrance at Gallaher is much better. I think Hardin Valley is getting to be a very busy road. From original plan at only a short distance there is a 90% turn at Hardin Valley and then another intersection and that would be a very dangerous area. I like the fact that changing the entrance kept it from going across the creek. Offset of taking down a few trees in exchange for not disturbing a free flowing creek is a better tradeoff.

Mr. Dick Graf: I do not agree. We have a concept plan that was agreed to through negotiations with the neighborhood. Things were worked out and they got neighborhood approval and that is what we voted on and approved about a year ago. I have a hard time going back now and saying we did not do a good job with that and we will change things around and see how it hits. There are two major subdivisions and their entrance and exits are going to line up. Between 7 & 9 in morning you are going to empty out a lot of traffic and you are still going to have traffic from the north. That is not ideal. You might do a whole lot better if you separate them about ½ a mile. I have a problem that we are changing the game in the middle of things and do not like entrances lined up with such major subdivisions.

Mr. Kim Henry: Asked about revised traffic impact study.

Mr. Tom Brechko: There is a revise traffic study and the City does the major review for us.

Ms. Cindy Pionke: County Engineering. I read the new study and did not look back at the old. It took a look at the access on Hickory Creek which was phase I, their access on Gallaher Ferry and on the eastern side and additional 40 units that come out on Hardin Valley south of the creek. We did not have problems with what they projected and how the they say the traffic is going to flow. Correct that traffic volume is about 500 per day. It is probably going to make traffic 2500 to 3000 where that 1000 feet it ties in, but north should stay the same.

Mr. Brechko: This plan today has access on the north side of the creek. If they do stub out to the east, when the Orange Route goes through only access will be to this subdivision. If they do put their subdivision on east side of Gallaher Ferry Road they are going to have to look at providing a second entrance which may require crossing Conner Creek. Depends on what other property they would have to acquire back there. For what is proposed has a single access, but future may have to have a second entrance out to Hardin Valley.

Mr. John King: 1,000 feet where the entrance is is not Hardin Valley, but Hickory Creek. It is slightly over 7500 feet. Right now no access to Hardin Valley Road. Orange Route is going to come in somewhere where along this.

COMMISSIONER STAN JOHNSON ARRIVED TO THE MEETING AT THIS TIME.

The access they are building in makes future of the complex complicated by the issues of what is going to happen with this access. It is just going to get worse as time goes on. As far as tree cutting, I would feel better about further dealings in this matter if they had not started cutting the trees yesterday. The traffic study says taking into consideration the recommendation they made before we believe ultimately the traffic situation will be acceptable. It is a change in the circumstances and is going to put more traffic on Gallaher Ferry. We tried to avoid that in phase I and are still trying to avoid it.

Mr. Seymour: You can take out the stub road. It is there because staff recommended it be there. It is not there for future development.

Mr. Craig Huber: 213 Fox Road We were proud of our agreements . It was our original intent and we too very much appreciate the scenic quality of that road. When we agreed to a 50 foot tree buffer, we put in a caveat that says with homeowners' association approval you can cut it which leaves room for slight change when there is a better idea. We don't do it lightly. We are not trying to run over them. It just happens this is a better location. There is 2,000 feet of nice tree cover and we are looking at 65 foot we are messing with. We do not want anybody to feel like they are being run over.

Mr. Clancy: I think the concept plan is good. Rarely do you see a developer give so many concessions to the homeowners. MPC has asked for a stub road. Take than out. County has asked them stay away from the creek, and they are going to do that. I do not think they are going to hurt their own development.

MOTION (CLANCY) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATI ON.

Mr. Evans: There has been some property added. I think the entrance we are looking at now is better. There is almost nobody living north of this area. Chances of development north of this development on Gallaher Ferry is almost zero. Hardin Valley is getting very busy with more development. This makes more sense than a big long road across the Creek. We need to be careful about entrances and exits on large subdivisions on

that road. That is just down the street from the new high school going in. This is much better.

Mr. Phil French: Asked how close to curve was original entrance?

Mr. Harbin: About 300 to 400 feet from the curve.

Mr. French: That is not a good place for an entrance onto Hardin Valley Road.

Mr. Dick Graf: I was looking at what a good job the developer was doing with the community to get their support. If it passes today, I would feel that the community was stuck in the back. Thing that bothers me most is people stand up here and say one thing and that is not what goes in.

Mr. Robert Anders: I can understand the issue of the fear of will they go back on their word. Biggest issue is is it a better plan and a better design? That is what I am think about it.

Mr. David Harbin: There is one sinkhole that is identified as a sinkhole on our plan. After TDEC review and geotechnical review has been determined as a farm pond. I would like condition no. 3 changed. Mr. Brechko has alternate wording for this condition.

Mr. Brechko: On condition no. 3 the first sentence would change to read, "Placing a note on the final plat that all structures would have to be located at least 50 feet from the top of the closed contour areas as determined by TDEC to be sinkholes and as identified on the plat." Basically it is just identifying that the sinkholes are as TDEC determines them.

CLANCY AND EVANS AMENDED THEIR MOTION TO APPROVE STAFF RECOMMENDATION SUBJECT TO 14 CONDITIONS ON STAFF REPORT WITH A CHANGE TO CONDITION NO. 3 AS STATED ABOVE.

MOTION CARRIED 10-2. APPROVED AS AMENDED.

b. Use On Review

7-C-06-UR

Proposed use: Detached Single-family Subdivision in PR (Planned Residential) & PR (Planned Residential) Pending District.

STAFF RECOMMENDATION: Approve the development plan for up to 104 detached single family dwellings for unit 2 subject to 3 conditions

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

19. SHANNON VALLEY FARM CONDOMINIUM - SOUTHLAND GROUP, INC.

a. Concept Subdivision Plan

West side of Murphy Rd., north of Summer Rose Blvd., Commission District 8.

7-SH-06-C

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

b. Use On Review

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

7-I-06-UR

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

*** 20. RIVER MEADOWS - JIM SULLIVAN**

a. Concept Subdivision Plan

South side of Mascot Rd., west side of Saylor's Ford Rd., Commission District 8.

7-SI-06-C

STAFF RECOMMENDATION: Approve the concept plan subject to 15 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** b. Use On Review**

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

7-F-06-UR

STAFF RECOMMENDATION: Approve the development plan for up to 169 detached single family dwellings on individual lots subject to 2 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 21. FORD VALLEY ESTATES**

North side of E. Ford Valley Rd., south of Virgil Ln., Council District 1.

8-SA-06-C

STAFF RECOMMENDATION: Approve the concept plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 22. I-40 / I-75 BUSINESS PARK

North side of El Camino Ln., west of Watt Rd., Commission District 6.

8-SB-06-C

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **23. VIRTUE VALLEY - WILLIAMS & ASSOCIATES**
 - a. Concept Subdivision Plan** **8-SC-06-C**

North side of Meredith Rd., west of Fieldstone Farms Ln.,
Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-4 and the
concept plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Use On Review** **8-C-06-UR**

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

STAFF RECOMMENDATION: Approve the development plan for
up to 30 detached single family dwellings on individual lots
subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **24. SHILOH GARDENS - GARY ROTH**
 - a. Concept Subdivision Plan** **8-SD-06-C**

Southwest side of Pedigo Rd., south of Greenwell Dr.
Commission District 7.

STAFF RECOMMENDATION: Approve variance 1 and the
concept plan subject to 10 conditions.

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

- * **b. Use On Review** **8-B-06-UR**

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

STAFF RECOMMENDATION: Approve the development plan for
up to 5 detached single family dwellings on individual lots
subject to 2 conditions

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

- P 25. COPPOCK ESTATES** **8-SE-06-C**

Southwest side of Coppock Rd., south of Warren Ln., Commission
District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 26. COILE LANE DEVELOPMENT** **8-SF-06-C**
11/9/06 Southeast side of Westland Dr., southwest side of Coile Ln.,
Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 27. TOWERING OAKS - WALT LANE** **8-SG-06-C**
a. Concept Subdivision Plan
Northwest side of Hatmaker Ln., north of I-40, west of Fretz
Rd., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Use On Review** **8-F-06-UR**
Proposed use: Detached single-family subdivision in PR
(Planned Residential) Pending District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Final Subdivisions:

- P 28. TAYLOR'S VIEW, PHASE II** **2-SQ-06-F**
At terminus of Taylor's View Ln south east of Meredith Rd,
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 29. VARNELL PROPERTY ON DERRIS DRIVE** **5-SP-06-F**
North side of Derris Drive, East of Wrights Ferry Road,
Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 30. RHINES PROPERTY** **6-SI-06-F**
Northwest side of Tarklin Valley Road, southwest of Pickens Gap
Road, Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 31. BRUHIN VILLAS APARTMENTS** **6-SR-06-F**
West side of Bruhin Road, south of Broadview Drive, Council
District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **32. THOMPSON TRAIL** **6-SW-06-F**
Northeast side of Thompson Road, southeast of Hardin Valley Road, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **33. ROBERT & SHARON MORTON PROPERTY** **6-SDD-06-F**
Southeast side of Callahan Drive, southwest of Keck Road, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 34. JAY G. SHERRED PROPERTY** **7-SC-06-F**
North side of Strawberry Plains Pike, east of S. Woodale Road, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 35. WEATHERSTONE, UNIT 9** **7-SL-06-F**
Northeast terminus of Laurel Ridge Lane, north of Autumn Valley, southwest of Pipkin Lane, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 36. YOUNG'S CEDAR GROVE ADDITION** **7-SN-06-F**
Southwest corner of Hillview Avenue and Cedarwood Street intersection, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 37. PROPERTY OF J. RONALD SCHOOLCRAFT, JR.** **7-SU-06-F**
Southeast side of Northshore Drive, southwest of Terrace Woods Way, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **38. Pritchard's Addition to Knoxville, Resub. of Lots 25 & 26** **8-SA-06-F**
Northwest intersection of Euclid Avenue and Red Cross Street, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **39. TIPPI T VILLAGE, UNIT 2, RESUB. OF LOTS 20-23** **8-SB-06-F**
Northeast side of Andes Road, southeast of Ball Camp Pike,
Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 40. SAM VEALS PROPERTY** **8-SC-06-F**
South side of Allen Road, south west of Simpson Road,
Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **41. STRAWBERRY PLAINS COMMERCIAL CENTER, RESUB. OF LOT 2** **8-SD-06-F**
South side of Region Lane, southeast of Strawberry Plains Pike,
Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **42. 7104 ADAMS ROAD** **8-SE-06-F**
Southwest side of Beelertown Road, northwest of Irwin Drive,
Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 43. TIM JONES PROPERTY** **8-SF-06-F**
Northwest side of Kimberlin Heights Road, northeast side of Jack
Jones Road, Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 44. OAK GROVE AME ZION CHURCH** **8-SG-06-F**
West side of Washington Pike at intersection of Mill Road, Council
District 4 & Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 45. ROY VANDERGRIFF PROPERTY** **8-SH-06-F**
East intersection of Dan McBee Road & E. Emory Road,
Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **46. COUNTRYSIDE CENTER LOTS 1 & 3 & REPLAT OF LOT 7** **8-SI-06-F**
 Southwest side of Middlebrook Pike, southeast side of Countryside Center Ln., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **47. RESUB. OF LOT 29, UNIT 2 VIEW POINT & PARKER PROPERTY** **8-SJ-06-F**
 Northeast side of Keller Bend Rd., southwest of View Point Ln., Commission District 4.

- * **48. WEATHERSTONE, UNIT 2, RESUB. OF LOTS 40R, 41R & COMMON AREA** **8-SK-06-F**
 Southwest side of Autumn Valley Lane at northwest side of Sunny Springs Lane, Council District 2.

- * **49. ALPINE MEADOW, RESUB. OF LOTS 38-40 & REPLAT OF LOTS 204 & 205** **8-SL-06-F**
 West and east side s of Long Shot Lane, north of Snowmass Drive, Council District 5.

- * **50. BEAU MONDE, PHASE I, RESUB. OF LOTS 120-124** **8-SM-06-F**
 Southwest corner intersection of Mystic Street and Clingmans Dome Drive, Council District 2.

- P 51. TOM SMITH PROPERTY** **8-SN-06-F**
 West side of Maloneyville Road, south of Cogdill Road, Commission District 8.

- * **52. WHISPER RIDGE, RESUB OF LOTS 1 & 8-11** **8-SO-06-F**
 Northeast side of Whisper Ridge and Maloneyville Road intersection, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 53. CREEKHEAD WOODS** **8-SP-06-F**
 West side of Bell Rd., northwest of E. Emory Rd., Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **54. HANNAH'S GROVE, RESUB. OF LOTS 24-31 & 39** **8-SQ-06-F**
 Northwest of intersection of E. Emory Road and Mayes Chapel Road, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **55. G. L. PRICE PROPERTY** **8-SR-06-F**
East side of Jones Street, south of Sevier Avenue, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **56. COLLINS / KECK PROPERTY** **8-SS-06-F**
Southeast side of Dante School Rd., northwest side of Dante Rd., Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **57. HOLSTON TOWNE** **8-ST-06-F**
Northwest side of E. Governor John Sevier Hwy., southwest side Holbert Ln., Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **58. RESUB. OF LOT 2 CRIPPEN PARK** **8-SU-06-F**
Southeast side of Crippen Rd., southeast of Maynardville Pike. Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **59. SNYDER RIDGE** **8-SV-06-F**
Northwest side of Snyder Rd., northwest of Lovell Rd., Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **60. DUTCHTOWN BUSINESS PARK, UNIT 1** **8-SW-06-F**
East side of Cogdill Road, north of Dutchtown Road, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **61. SOUTH GROVE** **8-SX-06-F**
Southeast side of W. Gov. John Sevier Hwy., southwest side of Chapman Hwy., Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **62. CHAD TURNER** **8-SY-06-F**
Northwest side of Ridgeview Rd., northeast of Top O Knox Dr., Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 63. LANE VALLEY SUBDIVISION** **8-SZ-06-F**
East side of Old Sevierville Pike, north side of Trotter Road, Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **64. GRAYSTONE** **8-SAA-06-F**
Southeast side of Nubbin Ridge Rd., southwest of Wallace Rd., Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **65. GLENWOOD PARK (BLOCK 1)** **8-SBB-06-F**
Southwest side of Woodglen Dr., Northeast of Glenpark Rd., Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 66. BOB BURRIS PROPERTY** **8-SCC-06-F**
Northwest side of Pelleaux Rd., north of Western Rd., Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **67. KIRK T. & JAMES S. SCHAAD, TRUSTEE, LOTS 1 & 2** **8-SDD-06-F**
Southwest side of Pleasant Ridge Rd., southeast side of Schaad Rd., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **68. PROPERTY OF BETTY MCKEEHAN** **8-SEE-06-F**
Southeast side of Westland Dr., southwest side of S. Northshore Dr., Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendments:

- 69. CITY OF KNOXVILLE** **12-D-00-RZ**
Southeast side of Westland Dr., northeast side I-140, Council District 2. Rezoning from No Zone to A-1 (General Agricultural).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 70. CITY OF KNOXVILLE** **12-Q-00-RZ**
North side of Westland Dr., west side Emory Church Rd., east side of I-140., Council District 2. Rezoning from No Zone to RP-1 (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 71. CITY OF KNOXVILLE** **12-Y-00-RZ**
West side of I-140, south of Westland Dr., Council District 2. Rezoning from No Zone to A-1 (General Agricultural).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 72. CITY OF KNOXVILLE** **3-R-02-RZ**
East side of Sherlake Ln., west side of Hayfield Rd., south of Parkside Dr., Council District 2. Rezoning from No Zone to C-6 (General Commercial Park).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 73. OLIVER A. SMITH**
Northeast side Lake Heritage Way, southwest side I-140, southeast of Westland Dr., Commission District 5.
 - a. Southwest County Sector Plan Amendment** **6-H-06-SP**
From LDR (Low Density Residential) to O (Office).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- b. Rezoning** **6-S-06-RZ**

From PR (Planned Residential) and CA (General Business) to OB (Office, Medical, and Related Services).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* **74. H.E. BITTLE, III**

Southwest side Pellissippi Pkwy., northwest of Carmichael Rd., southeast of Hardin Valley Rd., Commission District 6.

a. Northwest County Sector Plan Amendment

7-B-06-SP

From MU (Mixed Uses) and SLPA (Slope Protection Area) to C (Commercial) and SLPA (Slope Protection Area).

STAFF RECOMMENDATION: Approve MU (Mixed Use) and SLPA (Slope Protection Area).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

7-K-06-RZ

From BP (Business and Technology) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve PC (Planned Commercial)/TO (Technology Overlay) limited to BP (Business & Technology Park), SC (Shopping Center) and CN (Neighborhood Commercial) uses subject to 6 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **75. ANDREW SMIDDY**

7-L-06-RZ

Southwest side Carpenter Rd., northwest of W. Emory Rd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) up to 4 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

76. SOUTHLAND GROUP, INC.

Southwest side Murphy Rd., southeast of Tazewell Pike, Commission District 7.

a. North City Sector Plan Amendment

7-C-06-SP

From LDR (Low Density Residential) to C (Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

b. Rezoning

7-P-06-RZ

From RB (General Residential) and PR (Planned Residential) to PR (Planned Residential) and CA (General Business).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

W 77. ROBERT MARLINO

7-C-06-PA

Southwest side N. Sixth Ave., southeast side Grainger Ave.
Council District 4. One Year Plan Amendment from LI (Light Industrial) and STPA (Stream Protection Area) to MDR (Medium Density Residential) and STPA (Stream Protection Area).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

*** 78. NEAL ALLEN**

8-A-06-RZ

Southeast side Rutledge Pike, northeast of Woods Creek Rd.,
Commission District 8. Rezoning from CA (General Business) to CB (Business and Manufacturing).

STAFF RECOMMENDATION: Approve CB (Business & Manufacturing)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 79. PRESTIGE DEVELOPMENT**

8-B-06-RZ

Northwest side Cunningham Rd., northeast of Fieldview Ln.,
Commission District 7. Rezoning from A (Agricultural) & F (Floodway) to PR (Planned Residential) & F (Floodway).

STAFF RECOMMENDATION: Approve PR (Planned Residential) and F (Floodway) up to a density of 3 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 80. HARBIN REALTORS**

Northwest side E. Gov. John Sevier Hwy., southeast of Strawberry Plains Pike, Commission District 8.

a. East County Sector Plan Amendment

8-A-06-SP

From LDR (Low Density Residential) & STPA (Stream Protection Area) to LI (Light Industrial) & STPA (Stream Protection Area).

STAFF RECOMMENDATION: Approve LI (Light Industrial) & STPA (Stream Protection)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** b. Rezoning**

8-C-06-RZ

From A (Agricultural) to CB (Business and Manufacturing).

STAFF RECOMMENDATION: Approve PC (Planned Commercial)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

81. S & E PROPERTIES**8-D-06-RZ**

Northwest side Keller Bend Rd., northwest of Citadel Ln., Commission District 4. Rezoning from CA (General Business) and A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) up to 1 du/ac

COMMISSIONER PHIL FRENCH RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Mr. Arthur Seymour: On behalf of the applicant. Asking that part be down-zoned from CA to Planned Residential at 2 units per acre. Mr. King, who will be asking for a postponement, has property immediately to the west and it is zoned CA. Our client is asking to do a subdivision with 20 lots on approximately 13 acres. All utility services are available. Basis for postponement is a request that Mr. King's engineers be able to examine property and the drainage situation. My client has already offered 100 foot no-fill buffer along the general western area of that property. Issues Mr. King is raising are concept and design issues and not zoning issues. Suggest you hear this and grant Planned Residential at 1.8 or 1.9 units per acre rather than leaving part of this commercial. We would like to do a subdivision which is certainly consistently and appropriate for that area.

Mr. John King: P.O. Box 2425, Here on behalf of Davis Phize, a property owner to the west, individually and as Executor to his father's estate which has the adjoining property to west and north. We ask for a postponement because of features that are unusual that merit study before it is rezoned and density is set. I have made that plain to Mr. Smith and Arthur. When he says they offered us a no fill buffer of 100 feet he forgot the except in that offer. They offer the buffer because it is so steep on that boundary they could not build there anyway. It was a no fill buffer except for whatever is needed and required for drainage structures and retention areas, i.e. on the boundary of our property. What I have said from day one is we would like the opportunity to have some hydrology done and engineering work done because this property, which over 40% is greater than 25 degree slope, drains onto our property. It drains on the Phizer Property where they have constructed drainage structures with two piping mechanisms going under the driveway to service that existing situation. When you start building houses you are going to create more impervious surfaces and changing, to some degree, the direction and volume of that flow. We ask to give us time to find out and make sure that this would not adversely impact our property. We would like a postponement to do that. We are not asking them to spend any engineering costs. We will

do our own work. David Phizer is co-executor in this father's estate and there are beneficiaries who have interest in this property. I appreciate the fact when he says I do not feel comfortable in trying to explain to those beneficiaries why I did or did not do something that has an interest of theirs. I would like to opportunity to at least say I have done my due diligence for other parties to the estate.

Mr. Michael Brusseau: Staff's recommendation is based on the slope analysis of the site which revealed that 43% of the site is over 25% slope and about 80% of the site is greater than 15% slope. Also density they requested is not consistent with the surrounding density which is mostly agricultural except right across the street there is a subdivision that is zoned PR at 1 unit per acre. Based on the General Plan policies for protection of slopes the number crunched out to be about 1 unit per acre with the hopes that most would be clustered on the flatter portions of the site. About 20% of site is CA and rest is agricultural.

Mr. Art Clancy: The change in zoning does not bother me. If the people around it volunteer to hire their own engineers to find out what kind of impact your subdivision is going to have on their property, can you give them 30 days to come up with something?

Mr. Seymour: If their engineers would design the subdivision, I suggest they do that. This matter will not come before County Commission until the 4th Monday in September. We want to keep the ball rolling. Mr. Smith has talked to Mr. Phizer on occasions about this. Certainly he intends to cooperate with them.

Mr. Clancy: Given the slope analysis I think you do need to do find out something about the hydrology and how it impacts everything around it.

Mr. Evans: How did this get zoned CA?! This is a zoning case and questions of hydrology, traffic and water flow are appropriate questions, but only after we have determined if this is appropriate for rezoning. Drainage is always a big issue. I do have a problem with the density at 2 units per acre when across the street it was zoned 1 unit per acre. I think there is no question that it is appropriate for residential and for rezoning.

Ms. Kim Henry: I agree with Mr. Evans. As it is zoned currently how many units could they do?

Mr. Brusseau: I do not know exactly how many acres are zoned Agricultural. I would guess it is about 10 so they could do 10 one-acre lots as it stands today. They could also do commercial development in the CA portion which is pretty much unrestricted without any site plan review.

Mr. King: I think at one point in time there was consideration of a commercial operated marina. The Phizer's have built their homes there and it has developed residentially. The only place on Keller Bend Road where it is more than 1 unit per acre on Hardin Valley is Mariners Point. I take issue as to when drainage and all the other things ought to come to lay. They ought to be pleased that my client and I are willing to do what we are willing to do. They have a break even number. Is it not nice of us to do the engineering that tell them they cannot get the number they need? That is what a postponement will accomplish.

Mr. Seymour: We look forward to Mr. Harbin's assistance and advice. Mr. Smith has talked to Mr. Phizer and we have agreed that his engineer and their engineer need to get together and collaborate on the project. Need to keep the ball rolling and this matter will not come back up for another 45 days. You do not ask for fractions. Preliminarily we are a little over 13 acres. The best you can do is 20 lots would be 1.6 units per acre.

Mr. Dick Graf: The 42% that is above 25% that means at 1.6 you are looking at 3 units to the acre visually because it is all going to be crowded in one place. Staff recommendation is 1 to the acre which I do not think Mr. Seymour would like. I can hardly remember a time when we do not give at least one 30-day postponement.

MOTION (GRAF) AND SECOND (LOBETTI) WERE MADE TO POSTPONE 30 DAYS UNTIL THE SEPTEMBER 14, 2006 MPC MEETING.

ANDERS	NO
BENEFIELD	YES
BROWN	YES
CLANCY	YES
EVANS	NO
JOHNSON	YES
GRAF	YES
HENRY	NO
LOBETTI	YES
SHARP	YES
MASSEY	NO

MOTION CARRIED 7-4-1. POSTPONED 30 DAYS UNTIL THE SEPTEMBER 14, 2006 MPC MEETING.

82. S & E PROPERTIES

Northeast side Everett Rd., north side of I-40/75 right-of-way, Commission District 6.

a. Northwest County Sector Plan Amendment

8-G-06-SP

From Rural Residential and SLPA (Slope Protection Area) to LDR (Low Density Residential) and SLPA (Slope Protection Area).

STAFF RECOMMENDATION: Deny LDR (Low Density Residential)

Mr. Michael Brusseau: Slope is slightly greater than last site with over half the site being over 25% or greater. This site is also in the rural area of the Growth Policy Plan and designated for agricultural, rural residential uses. When you crunch the numbers and try to protect slopes, one unit per acre is about all that can be done to protect steep slopes on the property.

Mr. Arthur Seymour, Jr. On behalf of applicant ‘
This is right adjacent to I-40. The slope area is towards the north of the property. preliminary engineering estimates indicate about 113 lots can be developed on this 70 acres all up against I-40. Also adjacent to the Town of Farragut and to the west is a development. The Town of Farragut has approved a residential development at slightly higher density than they are asking for today. All utilities are available for this site. Our client asks to be given the opportunity to develop this at higher than one unit per acre or 1.8 units per acre if want to bring it down.

Ms. Kim Henry: Asked about the access point.

Mr. Seymour to the west on Everett Road within the right-of-way of the interstate.

Ms. Susan Brown: Are these houses going to be along the interstate? You have done a market study I hope.

Mr. Seymour: This is their business, but that is Scott Smith’s business. To the north Vulcan has a quarry and there are nice homes along that area.

Mr. Trey Benefield: Asked if a squiggly line was a creek bed? (No one knew for sure.) The access would have to come up the creek bed if that is what it is. Proposing single family lots?

Mr. Seymour: This is the same applicant we had before. Showed a very preliminary plan. The northern part would remain open space. Most concentrated on the southern part next to the interstate right-of-way.

Mr. Benefield: I feel like it is a very bad idea.

MOTION (BENEFIELD) AND SECOND (ANDERS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-1. LDR DENIED.

b. Rezoning

8-E-06-RZ

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

STAFF RECOMMENDATION: Approve PR (Planned Residential) up to 1 du/ac

MOTION (BENEFIELD) AND SECOND (JOHNSON) WERE MADE TO DENY PR (PLANNED RESIDENTIAL).

Ms. Brown: I disagree with Commissioner Benefield. I know I would not want to live there. They are entitled to have use of their property. It is a difficult piece of property and will need flexibility to design their plan. I agree with density of 1 unit per acre.

Mr. Ray Evans: At a density of 1.6 you get 112 units. If they want to do a development that is fine and PR is the place to do it. I have a little problem with the density. I might go a little bit more than 1, but not 2.

Mr. Benefield: Part of my opposition to this is the access through the creek bed and bend in the road is sharp. I think development of the property is a mistake.

UPON ROLL CALL THE PLANNING COMMISSION VOTED AS FOLLOWS:

ANDERS	NO
BENEFIELD	YES
BROWN	NO
CLANCY	NO
EVANS	NO
JOHNSON	YES
FRENCH	NO
GRAF	NO
HENRY	NO
LOBETTI	NO
SHARP	NO
MASSEY	NO

MOTION FAILED 2-10.

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) MOTION CARRIED 10-2. PR (PLANNED RESIDENTIAL) APPROVED

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1 DWELLING UNIT PER ACRE. MOTION CARRIED 10-2.

A BREAK WAS TAKEN FROM 3:10 PM. UNTIL 3:20 P.M.

83. NANCY NICHOLSON

8-F-06-RZ

Northwest side E. Emory Rd., southwest of Thomas Ln., Commission District 7. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

Mr. Fred L. Wallace, 8006 Lett Road, Corryton 37721 Emory Pike American Church Secretary/Trustee. The church asked me to come. We have a couple of issues with this subdivision. Our opposition is the driveway situation. The plat shows no entrance or exit for a 3-lot subdivision. Property to the east was just subdivided last year. We already have 4 driveways within 200 feet horizontal distance. We would like to know if this is going to have another driveway or if the existing driveway is to be revamped and used as joint permanent easement. Church driveway is directly across to the east. In less than 200 feet we may end up with 6 driveway connections to a State highway. At what point do we address a driveway access to Highway 131. We have an idea that a man that developed a property to the east may develop this. A new single family house at 4827 was just built in July and has a new driveway to Emory Road. Beside that driveway to the left is a right-of-way to a landlocked property to back of those. And then a driveway to 4819. On right hand side we have another and in between you have our driveway coming out of church. Driveway for 4827 was never approved by the State of Tennessee. Called TDOT and asked Jim Lawson and he has no record of them every filing for a permit for that. The only thing that ties the two together is that we have reliable information that the same man that remodeled this house is going to develop this. They are using a church parking lot as a staging area They are unloading heavy equipment and fork lifts in our parking lot. This gentleman was approached four times and asked not to do that and he continues to do that. We have approached him and he is not going to abide by our wishes. We are not against development or growth of the community. We would like to see it done in an orderly fashion with the proper steps taken.

Ms. Nancy Nicholson: 535 Deerview Way, Jefferson City This belongs to my children's grandparents. I have not yet signed any contracts to sell the property. I have talked to Mr. Hinckley, the gentleman that he is talking about, and he does wish to purchase

the property to continue his development. As far as what I know about development, any heavy equipment or things they are parking in the parking lot might be an issue to the police. Is that not private property?

Chair Massey: We are here to talk about is this an acceptable use for the property.

Ms. Nicholson: Property to northeast is zoned RA and next to that is PR. I have no reason to see why this should not be rezoned. I agree with staff recommendation.

Mr. Michael Brusseau: They have not submitted anything along with this application. In order to develop this they will have to get a plat. If they do what they say which is 4 lots, that would require a final plat that goes before this body. But that is simply reviewed for does it meet the regulations. It would not address any issues about construction equipment.

Ms. Brown: I do not see how they can get four driveways.

Mr. Brusseau. They would probably do one driveway with some kind of joint permanent easement with access coming off Emory Road and have individual driveways off that.

Mr. Ray Evans: Is there anything in the final plat that would allow them on such a narrow piece of property to put more than one driveway?

Mr. Brusseau: The only way I can see that happening is doing an easement and having the property at the front have its own driveway to Emory Road. That is supposed to be by permit from TDOT. We would ask that they only use one driveway off the easement.

Mr. Dan Kelly: On a road such as Emory Road we are very leery of providing residential access on a State road such as this. We would try to eliminate as many driveways as possible.

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE RA.

Mr. Benefield asked the applicant if they could develop the property with just one driveway access.

Ms. Nicholson: I am not going to be the developer. It is my understanding that they will use the existing house and driveway. The property to be developed is in back of at and it will be one driveway all the way back.

Ms. Nicholson: It is my understanding that they are going to use the existing driveway because it adjoins his property also.

Dan Kelly stated a new TDOT permit was not necessary if they use an existing driveway.

MOTION CARRIED 12-0. APPROVED.

- * **84. TRENT AND GAIL WALTERS **8-G-06-RZ****

Southeast side Woody Dr., southeast of Annandale Rd., Commission District 5. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **85. WALGO PARTNERS **8-H-06-RZ****

South side Middlebrook Pike, west of Glenn Ave., Council District 3. Rezoning from I-2 (Restricted Manufacturing and Warehousing) to C-6 (General Commercial Park).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 86. SUNDOWN PROPERTIES **8-I-06-RZ****

Northeast side Copper Ridge Rd., north of W. Emory Rd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) up to 3 du/ac

Mr. Dwayne Larson 3708 Copper Ridge Road 37931
What is the upper limit in the number of units in a subdivision that you can access with a single road. A density of 3 units per acre is 164 units. Can you access 164 units with one road? The only access shown is Copper Ridge Road.

Mr. Trey Benefield: Normally we draw the line at 150 units for a single entrance.

Mr. Larson: It is stated there is an attached subdivision layout.

Mr. Kelly: It is not in the package.

Mr. Larson: Width of Copper Ridge Road at my mailbox is 15 to 16 feet. When Elizabeth Downs was approved farther up the road there was a promise by County Commission and MPC to address the narrowness of Copper Ridge Road. That was 8 years ago and nothing has been done. Where will the sewer access to this be provided, up Copper Ridge Road?

Mr. Brusseau: That would be decided by the utility. Assume it would come from the east.

Mr. Larson: The number of units is twice the capacity that I would assume the developer is paying for on the subdivision that is currently going in.

Mr. Brusseau: Developer would have to make improvements and provide sewer to the subdivision.

Mr. Larson: This is going to double the units on Copper Ridge Road.

Mr. Dan Moore: Representing Bill Conner and Johnny Conner adjacent landowners, 900 Gay Street 37902.

The property is currently being used for agricultural purposes under a lease by my client. They use this adjacent property with the lease for horse trails and that lease is set for another three years as agricultural use. We do not think it should be rezoned out from under my client. Johnny Conner lives adjacent to the property across Copper Ridge Road and Copper Ridge Road bisects her property at a 90 degree turn. There is already high level of traffic going through her property and is concerned about increased traffic. Frequent wrecks on that property almost monthly and fences get knocked down all the time. Main concern is increase in traffic from subdivision that the road system cannot handle it. Currently property is being used by my client. My client has an ownership interest and a leasehold and he has not agreed to have it rezoned. We think the application should be withdrawn. The lease will continue if the zoning changes. It is my understanding that my client will be able to be grandfather in and continued to use for 3 years. No development is going to occur on this property until the lease is over, which is 3 years from now. There is no reason to rezone at this time until after the lease rights of my client are over.

Mr. Scott Williams: 6918 Yellow Oak Lane on behalf of Cagle Family and proposed developers of this property.

Three dwelling units per acre is in character with this neighborhood and similar to density just next door. As far as access, we have not done a formal plan and do not know what it is fit for. Approval would just give us up to 3 units per acre and we may not need all of that. Copper Ridge Road has the white

stripe which typically shows there is 18 feet of width from the sharp curve back to Emory Road. Sewer access will be through the neighborhood subdivision. We will be able to obtain easements to access our property with sewer. It will not go down Copper Ridge Road. Traffic impact falls under the concept plan and will be glad to have a traffic impact study done. As for the lease, I do not have any knowledge on this lease and cannot speak on behalf of that.

Mr. David Duncan 408 Windam Hall Lane, Knoxville
We have a contract on the property pending a number of contingencies. One contingency is the resolution of the lease issue. We are aware of that issue and realize we will have to resolve it before we can move forward on the zoning. Seems it does not have an impact on the zoning requested.

Mr. Art Clancy: Did I understand the use would be grandfathered in even if we change the zoning?

Mr. Kelly: It is a legal use today and they can continue to maintain livestock at that location as long as they do it continually over the next three years.

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

MOTION (CLANCY) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. PR (PLANNED RESIDENTIAL) AT A DENSITY UP TO 3 DWELLING UNITS PER ACRE APPROVED.

- * **87. MPM DEVELOPMENT, LLC **8-J-06-RZ**
South side E Emory Rd., southwest side Thomas Ln., Commission District 7. Rezoning from A (Agricultural) to PR (Planned Residential).**

STAFF RECOMMENDATION: Approve PR (Planned Residential) up to 5 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 88. MPM DEVELOPMENT, LLC **8-K-06-RZ**
Northwest side Crippen Rd., southwest of Brown Gap Rd, Commission District 7. Rezoning from A (Agricultural) to PR (Planned Residential).**

STAFF RECOMMENDATION: Approve PR (Planned Residential) up to 5 du/ac.

Mr. David Harbin: 4334 Papermill Drive, on behalf of MPM
MPC staff has reviewed our request and determined that it does meet the character of the neighborhood. Urge you to approve.

Mr. Charles Godfree 5123 Crippen Road
Property adjoins mine. Road we live on is dangerous. We have no sidewalks and two cars have a hard time getting by. We keep the KUB substation hot. I have had an accident in my yard. We have a speeding problem that the police have not been able to stop. This new entrance is 25 to 35 foot from my property. Somebody is going to get killed because of the speed. There is a narrow bridge down there. Other problem is flooding. All properties run down hill to the creek. The next door neighbor has problems because my property runs onto his and keeps him muddy. We do not have a good drainage system. Other problem is our privacy. When they put these buildings in they are on a hill and are going to be looking down on everything. We could live with keeping zoning same at 1 unit per acre. It is a very quiet peaceful community. Traffic will increase enormously. Crippen Road is a cut through road beyond Brown Gap. If they put in 15 units then it is really adding traffic in our area.

Mr. Harbin: A lot of issues we will address such as buffering, traffic, site access building plans and screening between him. All of that will come up at the next step.

Ms. Susan Brown: I do not see PR around here and it is out of character.

Mr. Brusseau: This property has direct access to a collector street and is consistent with sector plan which proposes low density residential development. Impact is minimal because it is a small site. You are only looking at 16 units all having access to a fairly major collection street. The immediately area is at a much lower density and see the opposition.

Mr. Art Clancy: Is it your intention to develop this separately and empty on Crippen Road or several entrances or exits? There is no deal struck yet and I cannot speak for owner. Ideally if he gets that land we will not come out Crippen Road, but Emory Road. I cannot guarantee that today because he has no option yet.

Mr. Godfree: The property you are talking about just around the corner. They are building small houses. They look good, but they are putting 60 units in that one area and about 8 to 10 foot apart with very little land front and year. All of these are going to come up Crippen Road and avoid Emory Road because it is so heavily traveled.

MOTION (GRAF) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-2. PR APPROVED.

MOTION (GRAF) AND SECOND (BENEFIELD) WERE MADE TO APPROVE STAFF RECOMMENDATION OF PR UP TO 5 DWELLING UNITS PER ACRE. MOTION CARRIED 8-4. PR UPTO 5 UNITS PER ACRE APPROVED.

* **89. TERRY PATTON**

Northwest side Ball Camp Pike, southeast of Ball Rd., Commission District 6.

a. Northwest County Sector Plan Amendment

8-B-06-SP

From LDR (Low Density Residential) to MDR (Medium Density Residential).

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

8-L-06-RZ

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

STAFF RECOMMENDATION: Approve PR (Planned Residential) up to 7 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **90. DAVID O. ROBINETTE (REVISED)**

Southeast side Hardin Valley Rd., , southwest of Castaic Ln., southwest of Pellissippi Parkway, Commission District 6.

a. Northwest County Sector Plan Amendment

8-C-06-SP

From TP (Technology Park) & SLPA (Slope Protection Area) to C (Commercial) & SLPA (Slope Protection Area).

STAFF RECOMMENDATION: Approve MU (Mixed Use) and SLPA (Slope Protection Area).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

8-M-06-RZ

From A (Agricultural) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve PC (Planned Commercial) TO (Technology Overlay) limited to BP (Business & Technology Park), SC (Shopping Center) and CN (Neighborhood Commercial) uses subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

91. WITHDRAWN PRIOR TO PUBLICATION

8-N-06-RZ

92. MOLLENHOUR INVESTMENT GROUP, CO.

8-O-06-RZ

North side Magazine Rd., west of Maple Loop Rd., Council District 1. Rezoning from R-1 (Single Family Residential) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) up to 4 du/ac

Mr. Jordan Mollenhour: 209 Smoky View Road with Ms. Maples WITH property owner and engineers.

Submitted packet with an article and asked them to look through it. ABOUT 14 PEOPLE STOOD IN OPPOSITION.

Mr. Joe Touchton: 6017 Chalmers Drive Spokesman for Colonial Village neighborhood. We are fairly sure this will go to a higher power. In counting for the 4.5 dwelling units per acre for the R-1 zone that you take 20% out for the streets. In the RP-1 zone you use the gross area and do not take out for the streets. You could put 51 units in if you take 20% out for the streets. That is only 6 units or 12%. You said it is up to 57 dwelling units. Mr. Mollenhour gave us a sketch. Colonial Village has a lot of windy streets, big trees and sinkholes. On this sheet there are 9 and 4 are on this property. You can see that staff has put a dotted line around them as a buffer. With sinkholes once you find out where they are and how big they are, you just figure how much land you need to leave alone. If Mr. Mollenhour concludes that filling sinkholes is a lot more trouble than it is worth, can he back down and put the total number of units for the 14 acres on the 8.28 acres that is left. Can he do that in R-1?

Mr. Brusseau: Yes he can put the total on the remaining acreage. Zoning at R-1 simply requires 7500 foot lots no matter how they fit.

Mr. Touchton: This says attached and detached. Theoretically they could be one detached and 56 attached. This is what me and the 647 people who signed this petition believe is going to happen. These sinkholes are going to be a big hurdle to jump. The next step is to drop back and put 14.31 acres worth of houses on 8.2 acres of land. Colonial Village has a lot of green space and big trees and do not have trouble selling our houses. We are trying to fix something that is not broke. If he ends up putting the 57 units on 8 acres, that is nearly 7 units to the acre. It is going to look like what it is. We oppose it.

Mr. Randy Massey: He has to come back. I am pretty much assure you we are not going to let him put 14 acres of houses on 8 acres of land. We are giving him the permission to investigate the possibility.

Mr. Touchton: You will turn down any plan that is thicker than the 4 dwelling units per acre on developable land? Once you are allowed to do this.. We have survived 61 years in an R-1 zone. These sinkholes are not something to mess with. We know if you start messing with them you are going to be in court for boundary disputes.

Mr. Massey: The times that Colonial Village and Sarvis communities comes here for home occupancy and other things, we have been very protective of this neighborhood. Personally we are going to be very conscious of what he does and he has to come back no matter what.

Mr. Touchton: For the 647 people that signed the petition, I have to say we oppose it and want it to stay R-1.

Mr. Mollenhour: It is a nice neighborhood. I grew up about 3 blocks from this development. That is one of the reasons I want to develop it is because I do see it as a very appealing area. We do not have any intentions of tarnishing it in any way. Referred to the drawings in his handout.

Mr. Massey: Reminded Mr. Mollenhour that discussion today was on the rezoning. We do not know what you are doing and we are going to be very mindful of what you are doing. Staff recommendation is to approve RP-1 up to 4 dwelling units per acre. If you get your zoning, then you can proceed with your design, you can file it with Mr. Kelly and you go on.

Mr. Phil French: I differ a little. I think it very helpful for me to get an ideal of what the developer is going to do when he gets his zoning. I realize he can change his mind. That makes it easier for to deny what he has changed his mind to when he as stood before us and said this is what I want to do. That makes it harder for him to change it when he has to stand in front of us and changes his request. It is important to have some conceptual idea of what he is going to do with his zoning request.

Mr. Mollenhour: The reason I mentioned the map on page 11 is that staff has recommended 4 units per acre and we want 4.2 which is less than what we asked for. Part of that is because of the topography of the property. We believe we can build this if we get 4.2 units per acre. Talked about table showing density of other projects in the area. We are asking for less than what R-1 would allow under perfect conditions. We are not asking for

anything unreasonable to what it is currently zoned. We have been very active in trying to talk to the community to get ideas from them. We have had some great response. I intend to continue that before the concept meeting. Let me know if you have any other questions or concerns and I will address it.

Mr. Lobetti: Do you not think you should have a meeting or two more and discuss the sinkholes. Sinkholes can get larger and larger.

Mr. Mollenhour: I would agree with Mr. Massey in that that is something we should address at the concept meeting. We are still researching that subject in preparation for the concept.

Mr. Lobetti: I would like to put it off for 30 days until you get through with your research.

MOTION (LOBETTI) AND SECOND (CLANCY) WERE MADE TO POSTPONE FOR 30 DAYS.

Mr. Graf: In his booklet he shows a conceptual plan where he has worked around the sinkholes to get the density needed to develop this. They put a lot of front end work on this. Very seldom do you get such detail at the rezoning phase.

Mr. Benefield: Actually he does show development in one of the major sinkholes on the site.

Mr. Ray Evans: Asked Mr. Touchton if the community's main concern is density and not the RP-1 rezoning. When we do density, we look at the entire property. When he is developing in reality if we approve 5.5 density, we may be approving more than he can get on the property

Mr. Touchton: It is density. With PR you are guaranteeing so many units on that ground. With R-1 you make him try to go try to find them.

Mr. Evans: If we approved RP-1 at a much lower density would you be happy?

Mr. Touchton: My stand is I have to stay with the R-1 zone. A density equal to the R-1 zone will not hurt our feelings.

Mr. Evans: I think he is asking for more density than is developable. We approve a density quite a bit higher and the development might be moved down into the property. Question is if we postpone you will have to back through this again. If this is density maybe we could argue the density and make a decision.

Do you want a postponement and come back and do this all over again?

Mr. Touchton: If we can get a density equal to R-1 which is 38 units or 3 units per acre. I will make a strong case with the disgruntled neighbors.

Mr. Evans: You would come out a lot better if you had the same density or even if slightly higher because then he would have to come back here for design.

Mr. Touchton: I do not think we do. If you want to work around and get something you think I can sell, we will go for it.

Mr. French: Do not think the postponement helps either side.

Mr. Kim Henry: I agree with that. Asked City Engineering about sinkhole development whether it is rezoned or not.

Mr. McGinley: If want to develop within a sinkhole hatched area, they have to get two permits: one from TDEC to fill the sinkhole, probably a Class 5 injection well or something along those lines; and then there is also a permit from City to handle water quantity. It is very common for sinkholes to be on properties that are developed and they are dealt with everyday.

Mr. Mollenhour: We have had topographical surveys done on the three main depressions and two are sinkholes and other is a depression. We have our geotech engineers coming out this week to test and determine exactly what we have out there. We have been in contact with Mr. McGinley as well as other people and working them closely to try to determine exactly what we have. Based on preliminary research and having walked the property with our own engineers, we believe our proposal as you see on this map is reasonable possible. That is again why I ask for the 4.2 units per acre as opposed to the 4 because it allows us to do what you see on this page. We are decreasing it from 5.5.

SUSAN BROWN CALLED FOR THE QUESTION.

MOTION FAILED 6-6.

Mr. Graf: We can see by how this meeting has gone today. We are not dealing with nice flat west Knoxville property any more. We are into rezonings that take half an hour with slopes or backs up to interstate or has sinkholes on it. Most of the good property in Knoxville has been developed. We are working on rough ground right now. We need to be aware that it gets more difficult to develop and the price goes up and that is why you need more

density than 10 years ago. I think what he has is very reasonable and he has gone out of his way to sell it.

MOTION (GRAF) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION OF RP-1 (PLANNED RESIDENTIAL).

Ms. Brown: Concerned about the connection that is shown on your tentative plan to Sarvis Drive. Are you planning to put a second entrance.

Mr. Mollenhour: One reasons for proposing second entrance is that, after having spoken with the community, they have concern about impact. We have had people request that we have two entrances as opposed to one. We though it was good idea. There are some complications on Sarvis and entrance comes up between two existing homes. We are meeting with both homeowners. We are in the preliminary stage and have not talked with traffic engineers to determine yet if that second entrance is possible. We proposed two entrances because the community wants to see two and we think this would add to our project.

Ms. Brown: I am getting more phone calls on this second entrance with concerns. Mainly it is a safety issue. Is that really a good place to have a second entrance to the neighborhood? What is the number for cut off for preferring two entrances. 150.

Mr. Lobetti: Asked about if putting that many units what are what plans for sinkholes to protect the children in that neighborhood with that many sinkholes?

Mr. Mollenhour: We had our first meeting last night with what we call the Community Design Panel which consists of myself, four people from the community and a former professor of mine in an Urban Planning class. One concern was the safety of the sinkholes. We suggested a tree screen around them on the outside and a chain link fence on the inside on the two that we propose to remain open. We have only determined two sinkholes for sure. The other we believe to be a depression. We have not found any evidence of any other sinkholes on the property. I am sorry there is one long magazine that will also be considered a retention area. There are three and the fourth we believe to be a depression and it will be closed over.

Mr. Lobetti: I have had calls that there are 6 sinkholes on the property. If you do find more, will you protect those from the children. Mr. Mollenhour says he will put chain link fences around them.

Mr. Evans: My feeling is that RP-1 is a good zone for this property. I am not going to vote for 4.2 more like 3.5 units. That will give us a chance to review the plan again.

Mr. Mollenhour: I also would like a chance to get with staff and get more information on this project going forward. It seems like such a handicap to have us cut down to 3.5 units per acre without even finishing our geological surveys and that type of thing. I reference page 12 where it shows other projects in the area and you will notice that most of those exceed 4.2.

MOTION CARRIED 12-0. RP-1 APPROVED.

MOTION (GRAF) AND SECOND (HENRY) WERE MADE TO APPROVE RP-1 UP TO 4.2 DWELLING UNITS PER ACRE.

Mr. French: Density is max and may not be what he ends up with. If he comes back with something that is 4.2 and we do not think that works at all, it will not be 4.2.

UPON ROLL CALL THE PLANNING COMMISSION VOTED AS FOLLOWS:

ANDERS	YES
BENEFIELD	NO
BROWN	NO
CLANCY	YES
EVANS	NO
JOHNSON	YES
FRENCH	YES
GRAF	YES
HENRY	YES
LOBETTI	NO
SHARP	NO
MASSEY	NO

MOTION FAILED 6-6.

MOTION (GRAF) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION AT UP TO 4 DWELLING UNITS PER ACRE

UPON ROLL CALL THE PLANNING COMMISSION VOTED AS FOLLOWS

ANDERS	YES
BENEFIELD	NO
BROWN	NO
CLANCY	YES
EVANS	NO
JOHNSON	YES
FRENCH	YES

GRAF	YES
HENRY	YES
LOBETTI	NO
SHARP	NO
MASSEY	NO

MOTION FAILED 6-6.

Mr. Evans: I move we approve 3.5 units per acre. Reasoning is there is quite a bit of non usable property and the real density will turn out to be higher than that.

MOTION (EVANS) AND (BENEFIELD) WERE MADE TO APPROVE A DENSITY OF 3.5 DWELLING UNITS PER ACRE.

Mr. Graf: We are working with difficult land right now. They do not get to use 14 acres, but the price does not change. It is still expensive land. I am changing my thinking in the last few months because the property being developed now is harder to develop and they have a lot more into it than a few years ago.

Mr. Benefield: Increasing the density on a site with environmental constraints makes for a lower quality project. While I realize it is a hardship to the developer, we have to think of the total community and environmental quality.

Mr. Mollenhour: We do not know how many houses can fit on this property yet. And you are already limiting it below what we perceive we can do based on our research and the money we have spent so far. I humbly request that we not decrease it to 3.5 considering the fact that we are still in the process of studying this property and considering the fact that it is very comparable to other projects in the area. That would be below any other project within a 2-3 mile radius of this property.

Mr. Lobetti asked the opposition if they were for the 3.5 density.

Mr. Touchton: 3.5 is getting a lot closer than what R-1 would be. I will make a strong case to the neighborhood.

Mr. French: As you lower the density you will probably be getting a lower quality development.

Mr. Mollenhour: That is correct. Not from me, but from other developers who would come in and spend a lot less money than I have.

UPON ROLL CALL THE PLANNING COMMISSION VOTED AS FOLLOWS

ANDERS	YES
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BENEFIELD YES
BROWN YES
CLANCY YES
EVANS YES
JOHNSON YES
FRENCH NO
GRAF NO
HENRY NO
LOBETTI NO
SHARP NO
MASSEY YES

MOTION CARRIED 7-5.PR (PLANNED RESIDENTIAL) AT A DENSITY OF UP TO 3.5 DWELLING UNITS PER ACRE APPROVED.

93. WITHDRAWN PRIOR TO PUBLICATION

8-P-06-RZ

94. HOLROB, DAVIS, SHIPLEY

South side Strawberry Plains Pike, east side E. Gov. John Sevier Hwy., Commission District 8.

a. East County Sector Plan Amendment

8-D-06-SP

From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).

STAFF RECOMMENDATION: Approve C (Commercial).

Mr. Arthur Seymour Jr.: On behalf of the applicant. We requested commercial sector plan designation and CA zoning and staff recommended Planned Commercial. We still prefer CA. Planned Commercial buffers have a 50-foot setback around the periphery. In my conversations with Mr. Brusseau, the reason for planned commercial was because of stream protection on south side of property. We were aware of this before we filed with the Planning Commission for rezoning. Our engineers met with Leo LeCamera in Knox County Engineering and understand now what part of the property can be developed. We have a convenience store and bank who want to locate on this property. With setbacks in the Planned Commercial zone this will hamper the development. Setbacks are much lower in CA zone than Planned Commercial. Across the street is a convenience store, industrial to the south and low density residential to the north. I am surprised at the objection. I have already received several calls to notification and they are in support of this. This is a commercial node on John Sevier Highway and we ask for approval including CA. This property is a little over 5 acres and most PC is contemplated for 20 acres.

Mr. John Webber 5443 Strawberry Plains Pike
The sector plan that we worked on in workshops does not recommend CA at this location. We suppose it has to do with stream protection and serious traffic issues from another convenience store/gas station at this intersection. Currently there is a store not being used which has been in and out of business many times over the years. The new one catty-corner to the one Mr. Seymour proposes is a Mr. Zip with lots and lots of lights and pavement and lots and lots of traffic. There is already a lot of traffic coming down Strawberry Plains Pike from the interstate. The Swan Pond Creek is the only creek in the Forks of the River area. It eventually winds through the properties of Three Rivers Preservation Association which I am president of. There are lots of wells and agricultural uses along that creek. Concerned about stream protection and traffic issues. Request that you go along with PC.

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

b. Rezoning

8-Q-06-RZ

From A (Agricultural) & F (Floodway) to CA (General Business) & F (Floodway).

STAFF RECOMMENDATION: Approve PC (Planned Commercial) and F (Floodway)

Ms. Kim Henry: Applicant mentioned setback difference what other types of issues or differences are there?

Mr. Brusseau: We realize PC is intended for larger properties. I do not think staff would have a problem with variances on this site. It does allow us extra review to protect the floodway.

Mr. Donaldson: The PC allows us to move an applicant toward best practices rather than meeting the minimum subdivision and zoning regulations. TDEC moves toward best practices with respect to storm water. There are also lighting issues and landscaping issues and access that we can move people.

Mr. Johnson: As far as the 50 foot setback our concern probably would be along the stream more than any other part of the site.

Mr. Seymour: We do not object to development review and coming back on this project. If there are not going to be any objections and could get it on the record to reasonable reductions in the setback which would have to be granted by

the Board of Zoning Appeals rather than this body. If that is not his concern, but simply that we have staff review. We do not object to that. The setback are at least twice and sometimes 3 times than what the CA has.

Mr. Dan Kelly: I am not so sure they will need variances. It is a 50 foot peripheral building setback. The property is approximately 500' by 500'. You would still have quite a buildable envelope to put the structure on. Parking can encroach in on that setback.

Mr. Seymour: We are looking at several uses and purchasers.

Mr. Kelly: If you think of it as a typical out parcel in a shopping center which is somewhere between one and two acres. All the banks, convenience stores and fast foods are going onto tracts that are one to two acres.

Mr. Trey Benefield: I have worked on these before. There is plenty room to put a standard out parcel.

MOTION (BENEFIELD) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. PC (PLANNED COMMERCIAL) AND F (FLOODWAY) APPROVED.

COMMISSIONER SUSAN BROWN LEFT THE MEETING AT THIS TIME.

- * **95. FINE CONSTRUCTION** **8-R-06-RZ**
 Southeast side Murray Dr., northeast of Bill Murray Ln., Council District 5. Rezoning from R-1 (Single Family Residential) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) up to 5.9 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **96. ROCKFORD AND SANDRA ESTES** **8-S-06-RZ**
 Northwest side Callahan Dr., northeast of Barger Pond Way, Commission District 6. Rezoning from LI (Light Industrial) to CB (Business and Manufacturing).

STAFF RECOMMENDATION: Approve CB (Business and Manufacturing).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 97. RIVER WALK LANDING, LLC**

Northwest side E. Gov. John Sevier Hwy., northeast of Grand Valley Rd., Commission District 9.

a. South County Sector Plan Amendment

8-E-06-SP

From LDR (Low Density Residential) to C (Commercial).

STAFF RECOMMENDATION: Deny C (Commercial)

Mr. Dan Mitchell: P.O. Box 756 Seymour, TN. 37865 For the applicant.

You just said two units per acre or was that 4 units per acre. The application indicated two dwelling units per acre and we want 4 units per acre.

Mr. Michael Brusseau: This is 36 acres in the Planned Growth area and designated Low Density Residential on the sector plan. Application was PR at 2 which staff thought was acceptable. If you want to look at 4 units per acre, I would recommend postponing it. Commercial is spot sector plan amendment as well as the zoning.

Mr. Mitchell: Commercial was because of Knox Chapman's request to expand at one point. We are going to be giving and trading out property for their expansion of the water plant. They have the sector in front now. We wanted just to add to that for that potential future expansion. We are not going to beg for it to be commercial, unless you see fit to approve it.

Mr. Brusseau: If they decide to formally request 4 units per acre, under PR zone there is a stipulation that you can do one acre of commercial development after you have 100 units built. At 3 units per acre they may well have the potential for 100 units and may be able to do commercial development under the PR zoning. I have not reviewed 3 units per acre. It is consistent with the sector plan, but that is all I can say now.

Mr. Dick Graf asked the applicant if he were comfortable with 2 to the acre.

Mr. Mitchell: We are comfortable with 2 units per acre. We are faced with constraints mentioned earlier. We have a ravine and stream that runs through the property. We are taking out large sections of the property for a common area. We were identifying the common area along the river and a common area along the raven to take it out of what we were not going to be using.

MOTION (GRAF) AND SECOND (JOHNSON) WERE MADE TO POSTPONE 30 DAYS.

Mr. Mitchell: Can we change this at a later date and get out approval now. We need to go forward with the bank. Two units per acre will allow us to go forward. We are taking out a large area for a common area because of environmental constraints. If we take out the common area, then the two units per acre works for us because of how much of the property we are actually going to use. It is our intent to have no more than 60 lots, but if the common area is not a factor then it would be set aside for us. We know a portion of that sits in the floodway.

Mr. Brusseau: The common area counts toward your density. You would use the entire acreage of the site for your density calculation if it is not in the floodway.

MOTION CARRIED 7-4. POSTPONED UNTIL THE SEPTEMBER 14, 2006 MPC MEETING

b. Rezoning

8-T-06-RZ

From A (Agricultural) to PR (Planned Residential) & CA (General Business).

STAFF RECOMMENDATION: Approve PR (Planned Residential) up to 2 dwelling units per acre for the entire property and deny requested CA (General Business).

MOTION (GRAF) AND SECOND (ANDERS) WERE MADE TO POSTPONE 30 DAYS. MOTION CARRIED 7-4. POSTPONED UNTIL THE SEPTEMBER 14, 2006 MPC MEETING.

* **98. CRESTON GROUP**

Northwest side Hardin Valley Rd., northwest of Thompson Rd., Commission District 6.

a. Northwest County Sector Plan Amendment

8-F-06-SP

From TP (Technology Park) to LDR (Low Density Residential).

STAFF RECOMMENDATION: Approve LDR (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

8-U-06-RZ

From BP (Business and Technology) & TO (Technology Overlay) to PR (Planned Residential) & TO (Technology Overlay).

STAFF RECOMMENDATION: Approve PR (Planned Residential)/TO (Technology Overlay) at a density of up to 5 dwelling units per acre.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **99. WHITE MOUNTAIN LANDING DEVELOPMENT CO** **8-V-06-RZ**
Northwest side Dante Rd., northeast of Amberfield Ln.,
Commission District 7. Rezoning from A (Agricultural) and CA
(General Business) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) at
a density up to 5 dwellings per acre

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **100. CITY OF KNOXVILLE** **8-W-06-RZ**
Portions of N. Gallaher View Rd. south of Middlebrook Pike and
northeast of Walker Springs Rd., Council District 2. Rezoning
from No Zone to R-1E (Single Family Exclusive Residential).

STAFF RECOMMENDATION: Approve R-1E (Single Family
Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **101. CITY OF KNOXVILLE** **8-X-06-RZ**
Southwest side of Capital Dr., northeast of Fox Rd., Council
District 2. Rezoning from No Zone to PC-1 (Retail and Office
Park).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review :

- * **102. HOLROB INVESTMENT, LLC** **7-J-06-UR**
Northwest side of Oak Ridge Hwy., southeast side of Beaver
Ridge Rd. Proposed use: Shopping Center in PC (Planned
Commercial) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for
the proposed retail center, with a total building area of 15,400
square feet in the PC (Planned Commercial) zoning district,
subject to 15 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 103. NEW CINGULAR WIRELESS PCS, LLC** **8-A-06-UR**

Southwest side of Western Ave., southeast side of Short Rd.
Proposed use: 195' Monopole Telecommunication Tower in C-4
(Highway and Arterial Commercial) District. Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

104. WITHDRAWN PRIOR TO PUBLICATION

8-D-06-UR

105. DAVID BURLESON

8-E-06-UR

Southwest side of Wrights Ferry Rd., just south of S. Northshore Dr. Proposed use: Self-service storage facility in CA (General Business) District. Commission District 4.

STAFF RECOMMENDATION: Approve the development plan for a self-service storage facility in the CA zone subject to 8 conditions.

Mr. Arthur Seymour, Jr.: 550 Main Avenue. On behalf of applicant.

Property came before you for rezoning and you recommended against it and County Commission approved CA zoning. We are back with a self-storage plan on this property. The plan is very detailed. It is not what we originally presented when rezoned the first time. We have agreed to covenants that restrict the use of the property. After the rezoning, I talked to surrounding neighbors. Mr. Harms and Mr. Burleson has talked to surrounding neighbors and presented his plans to him. He has agreed to a number of conditions regarding lighting, setback, and so forth. It will be open limited hours. There is virtually no traffic. He is more than happy to accommodate staff's conditions on lighting, buffering, fencing, etc. It was originally two story and coming down to one story. There will be minimal signage. This will fit in with the neighborhood very well and be a nice buffer between Northshore and residential development to the south. MPC had not received any opposition to this request.

Mr. Robert Scott: 2216 Delta Lane. Concerns have to do with water. Wrights Ferry Road has a creek that runs along the side of it. The County had to line the roads with stones to keep it from getting washed out. At one point the water was 4 feet from the level of the road right next to it. Any increase in flow rate is going to cause flooding whenever it rains. Other concern is wildlife. Showed a mussel. This development is at the headwater of this creek. I think they need to get that water back into the ground and not let it runoff down the creek to keep from flooding and drying the creek up in the summer and killing wildlife.

Mr. John King: P.O. Box 2425, Knoxville 37901
I started out representing Wrights Ferry and Cherokee Springs Homeowners Association and some other people joined in. I still represent Bob and Carol Worthington. They were discouraged by

County Commission's decision to rezone. They have to come before you as a use on review and you can apply use on review standards as to whether you approve it or not. If this is out of character with the surrounding area and has an adverse impact on the neighborhood, you can deny it. There are still two buildings that are two stories. You are looking at 88,000 plus square feet on this property that rises as it goes off so you are looking at a tiered development. Back two buildings to the southern portion may or may not be buildings. If they are buildings, that is 12 buildings. If not buildings then it is outdoor storage. The outdoor storage is closest to the adjoining residential development. You are entitled to look at number of buildings that should be permitted and whether or not they are entitled to do outdoor storage. I remind you that you said earlier that when they come back we are going to take a hard line community review of it.

Mr. Seymour: We presented a bigger plan than this when we went to County Commission on this. The stream starts below the property. The outside storage Todd can explain.

Mr. Todd Harms, 233 Woodland Trace, Knoxville
As far as outdoor storage that is usually boat and RV storage. That is shielded from the adjacent homeowners. The property owners immediately to the west would not see anything because it is below the slopes and there is a privacy fence included on the property line. Same thing applies for the folks at Rudder Oaks because of the slope and privacy fence and 50 foot buffer. When we reviewed this with the adjacent homeowners at Rudder Oaks, they were happy with the plans and one of the homeowners wanted to store his boat there when that phase is open. I met with all adjacent homeowners first and revised my plans to meet their concerns. And then I addressed all the homeowners associations which are Cherokee Springs, Wrights Ferry Landing and Rudder Oaks. This development requires a detention pond.

Stan Johnson asked about what they are going to do about the mussels and stream.

Mr. Seymour: Our detention pond is above that stream and the water flow cannot change from what it is now.

Mr. Ray Evans: When this came up for rezoning, I voted against it. Now that the zoning has been changed, this is a less intrusive use of this property.

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

- * **106. BENCHMARK ASSOCIATES, INC** **8-G-06-UR**
West side of Sisk Rd., south of Baverton Dr. Proposed use: Attached residential condominium development in RP-1 (Planned Residential) District. Council District 3.

STAFF RECOMMENDATION: Approve the development plan for up to 46 attached residential condominiums as shown subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **107. MARTHA DIANE OWEN** **8-H-06-UR**
Southeast side of White Ave., southwest side of Thirteenth St. Proposed use: Rooming & Boarding House including receptions sponsored by patrons at the facility in O-2 (Civic & Institutional) & NC-1 (Neighborhood Conservation Overlay) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for a rooming & boarding house that includes receptions sponsored by patrons at the facility in the O-1/NC-1 (Civic and Institutional/Neighborhood Conservation Overlay) zoning district subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 108. STUART HENRY** **8-I-06-UR**
North side of Cherokee Trail, north end of Candora Rd. Proposed use: Park / Green Space in RP-1 (Planned Residential) District. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Other Business:

- * **109. Consideration of Staff Report for Plans of Service.** **8-A-06-OB**
STAFF RECOMMENDATION: Approve and adopt the staff report.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **110. Consideration of Authorization for staff to proceed with amendments to the Knoxville City Zoning Ordinance regarding halfway houses.** **8-B-06-OB**

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 5:14 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Randy Massey, Chair

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