

KNOXVILLE-KNOX COUNTY

MPC Minutes

METROPOLITAN
PLANNING
COMMISSION
TENNESSEE

August 8, 2002

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
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www.knoxmpc.org

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

The Metropolitan Planning Commission met in regular session on August 8, 2002 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members present at roll call were:

Mr. Philip French, Chair	Ms. Jennifer Martella
Mr. Rusty Baksa	Mr. Randy Massey
Mr. Trey Benefield	Ms. Mary Parker Slack
Mr. Herbert Donaldson	Mr. Larry Smith
Mr. Richard Graf	Ms. Jean Teague
Mr. Stephen Lewis	

* Arrived late to the meeting.

** Left early in meeting.

1. ROLL CALL

Ms. Vi Whitmire called the role.

2 INVOCATION

Mr. Larry Smith gave the invocation.

3 PLEDGE OF ALLEGIANCE

Mr. Larry Smith led the Pledge of Allegiance.

Chairman French presented a plaque to Mr. Mike Brown in appreciation of his service on the Planning Commission and introduced Mr. Randy Massey.

4. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED JULY 11, 2002.

MOTION (SMITH) AND SECOND (SLACK) WERE MADE TO APPROVE THE MINUTES OF THE PREVIOUS MEETING DATED JULY 11, 2002. MOTION CARRIED 11-0. MINUTES APPROVED.

5. APPROVAL OF AGENDA

MOTION (SLACK) AND SECOND (BENEFIELD) WERE MADE TO APPROVE THE AGENDA. MOTION CARRIED 11-0. AGENDA APPROVED.

MOTION (SLACK) AND SECOND (BAKSA) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. DEVELOPMENT PLAN APPROVED.

USES ON REVIEW - NEW

8-A-02-UR

WILLIAM R. VARNER

West side of Broadway, north of Ridgewood Rd. Proposed use: Delete parcel 20.01 from development plan for adjoining church (048NC020) in R-1 (Single Family Residential) District. Tax ID 48 N C 20.01, Council District 4, North City Sector.

STAFF RECOMMENDATION: Approve the request to remove parcel 20.01 from the previously approved development plan for the adjoining church subject to 3 conditions.

Mr. Dan Kelly:

This piece of property has been before us a number of times since 1995. In 1995 a church was approved for a larger piece of property. They divided their property and sold a portion to Mr. Varner. Mr. Varner attempted to get the property rezoned. He was told he could not do that because it was part of the property the church submitted with use on review approval. In 1999 he went through this process to get it removed from the use on review. MPC recommended approval and it was appealed to City Council. Council denied the request. Since that time he has been involved in legal action and they have been directed to go through this action to remove the piece of property from the approved use on review. The church sold it to him and no longer has an interest in the property. If you remove this parcel from the use on review, it will be zoned R-1, this does not change the zoning. He would have to file for a rezoning. Uses permitted in R-1 are compatible with the church and surrounding residential uses.

Mr. David Bacon: Counsel for applicant, 406 Union Avenue

Ms. Charlotte Davis: 104 Crawford Road, Fountain City Town Hall

Initially there was no neighborhood opposition to the church development of this land. The neighbors were happy to have church for a neighbor. The agreement in the approved church plan was to leave in place an existing growth of large deciduous trees. Mr. Varner purchased it knowing it was R-1. Shortly after Varner purchased it that beautiful stand of trees was cut. If you delete Parcel 20.01 from the development plan, the parcel will still have R-1 zoning. I can almost promise you he will do the worst thing he can do in the R-1 zone. Request you deny.

Mr. Trey Benefield: I do not see why the property needs to be encumbered by the use on review by the church.

MOTION (BENEFIELD) AND SECOND (BAKSA) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Upon roll call the Planning Commission voted as follows:

BENEFIELD YES
DONALDSON YES

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GRAF	NO
LEWIS	NO
MARTELLA	NO
MASSEY	NO
SLACK	YES
SMITH	NO
TEAGUE	NO
BAKSA	YES
FRENCH	YES

MOTION FAILED 5-6.

MOTION (GRAF) AND SECOND (LEWIS) WERE MADE TO DENY THE DEVELOPMENT PLAN. MOTION PASSED 6-5. DEVELOPMENT PLAN DENIED.

Mr. Smith: This has come up at least 3 times. Is there a way Town Hall and Mr. Varner can get together to agree on something to do with the property?

8-B-02-URDICK BALES

West side of S. Peters Rd., south of Kingston Pike. Proposed use: Small Animal Veterinary Clinic in A (Agricultural) District. Tax ID 132 F C 2, Commission District 5, Southwest County Sector.

STAFF RECOMMENDATION: Approve the request for a small animal veterinary clinic at this location as shown on the development plan subject to 6 conditions.

Mr. Phil French: The last word in condition number 1 needs to be Saturday.

Mr. Dick Bales: 24 North Winston Road
I agree and thank Tom for his help.

MOTION (SLACK) AND SECOND (BAKSA) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11 -0. DEVELOPMENT PLAN APPROVED.

* 8-C-02-URGREG FORD CONSTRUCTION

North side of Silver Grass Ln., west of Reagan Rd. Proposed use: Reduction of side yard setback from 5' to 3' in PR (Planned Residential) District. Tax ID 104 A B 26, Commission District 6, Northwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

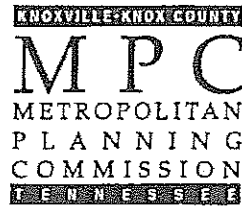
W 8-D-02-URSADDLEBROOK, INC.

North side of Wineberry Rd., west of Cider Ln. Proposed use: Reduction of side yard setback from 5' to 3' in PR (Planned Residential) District. Tax ID 37 J B 027, Commission District 7, North County Sector.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

8-E-02-UREVERETTE IVEY

South side of Callaway Ave., west of Arthur St. Proposed use: Home occupation for make up artist & reflexology in R-1A (Low Density



September 5, 2002

Knoxville City Council
City/County Building
400 Main Street
Knoxville, Tennessee 37902

Subject: William Varner's appeal of denial of use on review (8-A-02-UR)

Dear City Council Members:

Background

Mr. David Bacon, attorney, representing Mr. William Varner, has appealed Mr. Varner's request to delete his property, Parcel 21.01, from an approved use on review development plan for an adjoining church. Mr. Varner's property is located on the west side of N. Broadway, north of Ridgewood Road, and contains approximately 22,400 sq. ft. The property is zoned R-1 (Single Family Residential).

The reason for this appeal, as stated in the appeal application, is to allow "the petitioner to further develop property and to apply for rezoning to C-4." Mr. Varner has previously indicated that he would like to develop the property as a used car lot. A representative from Fountain City Town Hall spoke in opposition to the use on review request at the MPC meeting.

Comments

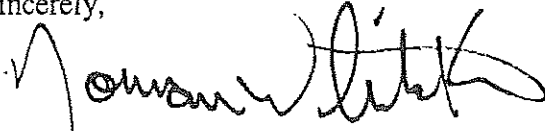
Mr. Varner has requested that a parcel he owns be deleted from a previously approved use on review for Knoxville Primitive Baptist Church that adjoins his property to the south. When the Planning Commission approved the church's development plan in 1995, what is now Parcel 20.01 was a part of the church's property that was granted use on review approval. Parcel 20.01 was shown as a wooded portion of the church property, and this vegetation was to remain. The church subdivided their property and soled Mr. Varner Parcel 20.01. In 1999, the church submitted a use on review request to delete Parcel 20.01, which was approved by MPC, but denied on appeal by City Council. Mr. Varner appealed this decision to Circuit Court, which instructed Mr. Varner to go through the process again with a new use on review application to delete his property.

Based on the neighborhood's concerns about the property's future use and its support of the previously approved plan for the church that included Parcel 20.01, the Planning

7-M-06-UR

Commission voted to deny Mr. Varner's request. The Planning Commission staff had recommended approval of Mr. Varner's request based on the fact that the R-1 zone would still be in place for Parcel 20.01. Uses permitted in R-1 would be compatible with the church and with nearby residential uses.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman Whitaker". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

Norman Whitaker, AICP
Executive Director