



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Proposed Development on Andes rd

fuscodf <fuscodf@comcast.net>
Reply-To: fuscodf@comcast.net
To: commission@knoxplanning.org

Tue, Sep 10, 2019 at 9:14 PM

We have been informed that there's a proposal to put in a development off of old Andes road. We live on Andes road right by that proposed development. The traffic on Andes road since we moved here has gotten quite heavy at times and already dangerous as it is a country road...A Normal road would be 20' wide where Andes has places where there is only a little over 7' for each lane...

The proposal of 150 homes, which would, at the least, give us 300 more cars travelling, an already crowded, and much used thoroughfare. The Andes/Chert pit intersection is always an accident waiting to happen already, without adding such an abundance of vehicles to the mix. All the time cars are coming up Andes which leads into Chert Pit and people are trying to pull out of Andes to the right or to the left and it is already just dangerous. I can't even imagine adding more vehicles to our area. I am actually surprised that you are even considering putting that burden on our small community. Pulling out onto Middlebrook from Andes would be extremely crowded. This just doesn't make sense. We ask that you would take all of these important things into consideration and not change the zoning so that a developer can come in to an area that does not need traffic. I am all for progress, but I think it needs to be done in a safe manner and not to overburden a community that already is quite busy at times. Last, but surely not least, the thought of all the construction, big trucks, and construction equipment going up-and-down our road would just be dangerous. Just a few months ago they built a new house on Andes road and when one of the delivery trucks came it tipped over off the road. This just isn't a place for all of this.

Thank you for your consideration to keep our peaceful community, just that...
Denise Fusco
1523 Andes Rd

Sent from my Verizon, Samsung Galaxy smartphone

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This message was directed to commission@knoxplanning.org



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Rezoning of 1609 Old Andes Rd. File # 9-F-19-RZ

Charlotte Lee <leetl1945@gmail.com>

Mon, Sep 9, 2019 at 4:02 PM

Reply-To: leetl1945@gmail.com

To: commission@knoxplanning.org

I urge the commission to refuse the rezoning request of Ball Homes to rezone 30-acres on Old Andes Rd from A to PR, File # 9-F-19-RZ, which will be considered in the meeting on September 12 for the following reasons:

1. Before any decisions are made there needs to be a traffic count on Andes Rd. In the past 2-3 years, four subdivisions have been built within a 5-mile radius of the location. Andes Rd. has become a cut-through route for residents of Hidden Meadows and The Village at Hidden Meadows on Gray-Hendrix Rd. and Hattie's Place and Carter Cove on Ball Rd. Cars use Andes Rd. to avoid the traffic on Ball Camp Pike to reach Middlebrook Pike. The number of vehicles passing my house every day has increased to the point it is unsafe to pull out of my driveway, particularly during morning and evening rush hour.

2. The traffic lanes on Andes Rd. measure 10-foot wide in each direction. There is no shoulder and meeting another vehicle is a matter of concern with commercial trucks, school buses, and the ever increasing presence of larger and larger SUV's on this road.

3. Old Andes Rd. is strictly a one lane road and was built as such. It certainly cannot accommodate the amount of traffic that would be generated by a minimum of 150 more vehicles and probably far more because of the number of vehicles per unit.

4. Eubanks Chapel Cemetery is located just off the side of Old Andes Rd. My grandparents, Wiley and Addie Touton and two of my uncles are buried there, along with one of the members of the Whitaker family who were the original owners of this property. These are people I am certain are buried there; perhaps there are more. If you Google the name of the cemetery you will see it is a historic cemetery. In order to make this development more palatable to the commission, this developer may propose widening Old Andes Rd. I do not like the possibility of either the cemetery and the graves of my family being destroyed or it being relocated.

I respectfully urge the commission to visit this location, see what we who live in proximity to this would be facing. There is no infrastructure here that will accommodate this proposal. Speeding is common. There are dangerous conditions at the intersections of Old Andes Rd. and Andes Rd. on each end of Old Andes as well as the intersection of Andes Rd. and Chertpit Rd. These roads are never treated or plowed in winter weather. The only access from Andes Rd. to Middlebrook Pike is at the bottom of a steep hill. There is a church school directly across Middlebrook Pike from the Andes Rd. intersection. You can look at your maps but you need to visit the location to see for yourselves.

For once, listen to the requests of the people affected by this proposal, not the voice of the tax dollars that will be generated. Strange that the dollars generated by all these developments that go up all over Knox County are never used to improve any of the roads that feed them.

Charlotte Lee
[1510 Andes Rd.](#)
37931

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This message was directed to commission@knoxplanning.org



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] 9-F-19-R7 1609 Old Andes Road

Aw G <allenwgilbert@gmail.com>
Reply-To: allenwgilbert@gmail.com
To: commission@knoxplanning.org
Cc: Allen Gilbert <allenwgilbert@gmail.com>

Mon, Sep 9, 2019 at 10:04 AM

Hello,

I am writing this email as my formal opposition for the planned rezoning of [1609 Old Andes Road](#) from agricultural to residential. The point below will outline the reasons for my opposition.

1. Old Andes road is basically a single lane road with warning signs post stating "Narrow Road"
2. Old Andes Rd terminates into Andes Rd. Andes Rd. is a highly traveled road that is also very narrow, lacks center line striping in some areas, has several blind spots, lacks shoulders on both lanes and has no shoulder striping in place. Same Lee Rd. is very similar to Andes Rd. and the recent addition of a new development on that road has severely deteriorated the road for the use of commercial vehicles and increased commuter traffic.
3. Andes Rd is used as a major connector to reach Middlebrook Pike and is consistently traveled at high rates of speed. The residents of Andes Place have asked the county for assistance with controlling the speed in this area on multiple occasions. The many blind spots and excessive speed are a very dangerous situation for children that have to use Andes Rd. in their daily travels to reach the bus stop located on Middlebrook Pike. The lack of a useable shoulder on Andes leave the children without a safe path to reach their destination.
4. Andes Rd. is not large enough to accommodate commercial construction equipment and passenger vehicles traveling in opposite direction at the same time.
5. The increased traffic using Andes Rd. to connect to Middlebrook Pike will create a major congestion point at the intersection of Andes Rd. and Middlebrook Pike as well as a dangerous merging pattern for commuters needing to travel east on Middlebrook Pike from Andes Rd.
6. Carson Newman College has opened a campus extension at the intersection of Andes Rd. and Middlebrook Pike that will add to congestion at the intersection of Andes Rd. and Middlebrook Pike

The existing roadway infrastructure does not currently safely support existing traffic patterns in the area and the additions of 150 new family homes would be a complete disregard for the safety of the community.

Thank you,
Allen Gilbert

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This message was directed to commission@knoxplanning.org



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Objection to proposed development at 1609 Old Andes Road

Charles Murphy <murphycmm1@gmail.com>
Reply-To: murphycmm1@gmail.com
To: commission@knoxplanning.org

Sun, Sep 8, 2019 at 8:41 PM

Dear Sir:

Please see the attached letter which details my objection to Ball Home's proposed development of a very densely populated subdivision at [1609 Old Andes Road](#).

9329 Ivywood Lane
Knoxville, TN 37931

September 5, 2019

Knox County Planning Commission
[400 West Main Street](#)
[Knoxville, TN 37902](#)

Gentlemen:

I have resided at the above address eight years, paid property taxes each year on this property since 2011. My home is located just off Andes Road and just off Middlebrook Pike. We have dealt with a very narrow and crumbling Andes Road the entire eight years we've been here. It is so narrow that it is necessary to drive two wheels off the pavement when you meet an oncoming UPS or FedEx truck, dump truck, school bus, or even a large SUV. Pot holes have been patched a couple of times, and one time a little asphalt was added to the south side of Andes near the peak of the hill. Nevertheless, it is an extremely narrow road and not very well maintained. I have just learned that Ball Homes, LLC is proposing to purchase 30 acres at [1609 Old Andes Road](#), which is just East of our street, and then request rezoning from Agricultural to Residential with the intent of building five homes per acre, or about 150 new homes on this proposed site. With that kind of density, the traffic on Andes Road would be increased by over 100 vehicles per day, possible 200-300 vehicles. The proposed project would not only increase the traffic, which would increase the danger of such a narrow road, but, also, the construction vehicles required would further damage Andes, probably result in one-way traffic upon occasion when moving heavy equipment and building materials. I understand this proposal is on the agenda for your September 12, 2019, meeting. Unfortunately, I will be out of town and unable to voice my strong objection to this proposal. I would like to request that each member of the Zoning Commission personally drive up and down Andes Road and get the full picture. A plot plan cannot accurately inform you of the reality of this proposal. I have experienced the increasing congestion on Hardin Valley since Ball Homes and other developers have completed new, very dense subdivisions in that area. Residents off Andes Road do NOT want a repeat of that poor planning. Another strong point of consideration is what effect the proposed project would have on the schools in the area. Come take a personal look, and I believe you will agree that the proposed development would not be good, or fair, to the surrounding community.

Will appreciate your consideration.

Sincerely,

Charles M, Murphy

Sincerely,

Charles Murphy

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This message was directed to commission@knoxplanning.org



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Objection to proposed development at 1609 Old Andes Road

kem3220 via Commission <commission@knoxplanning.org>

Fri, Sep 6, 2019 at 10:26 AM

Reply-To: kem3220@aol.com

To: commission@knoxplanning.org

Please see the attached letter which details my objection to Ball Home's proposed development of a very densely populated subdivision at [1609 Old Andes Road](#).

I hope each member of the Planning Commission will drive to the area, and up and down Andes Road before making any decision. Andes Road is very narrow, barely wide enough for two standard size vehicles to pass. When there is a UPS, FedEx, garbage or dump truck, or school bus oncoming, it is necessary for one of the vehicles to drive two wheels into the ditch.

Also, Andes Road is not very well maintained. The shoulders have crumbled in most areas, and there are fairly deep open drainage ditches on each side. Some of the older properties along Andes are so close to the road it would seem impossible to widen it. I suppose that's the reason it hasn't been widened already.

Adding another 150 homes, with 200-300 additional vehicles, would make traveling Andes Road extremely dangerous for everybody. There doesn't seem to be any other access for the proposed development. Andes Road is hilly and curvy, creating blind spots in some locations.

In addition to a very narrow, dangerous road for access, the additional family population would have an adverse effect on the schools in the area. We don't want another situation of very congested traffic as is the result of so many densely populated subdivisions along Hardin Valley Road, which, I believe, is the result of poor planning.

Before you vote, do the responsible thing and drive up and down Andes Road.

Karen P. Murphy
[9329 Ivywood Lane](#)
[Knoxville, TN 37931](#)

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This message was directed to commission@knoxplanning.org

 **Letter to Planning Commission.pdf**
188K

9329 Ivywood Lane
Knoxville, TN 37931

September 5, 2019

Knox County Planning Commission
400 West Main Street
Knoxville, TN 37902

Gentlemen:

I have resided at the above address eight years, paid property taxes each year on this property since 2011. My home is located just off Andes Road and just off Middlebrook Pike.

We have dealt with a very narrow and crumbling Andes Road the entire eight years we've been here. It is so narrow that it is necessary to drive two wheels off the pavement when you meet an oncoming UPS or FedEx truck, dump truck, school bus, or even a large SUV. Pot holes have been patched a couple of times, and one time a little asphalt was added to the south side of Andes near the peak of the hill. Nevertheless, it is an extremely narrow road and not very well maintained.

I have just learned that Ball Homes, LLC is proposing to purchase 30 acres at 1609 Old Andes Road, which is just East of our street, and then request rezoning from Agricultural to Residential with the intent of building five homes per acre, or about 150 new homes on this proposed site. With that kind of density, the traffic on Andes Road would be increased by over 100 vehicles per day, possible 200-300 vehicles.

The proposed project would not only increase the traffic, which would increase the danger of such a narrow road, but, also, the construction vehicles required would further damage Andes, probably result in one-way traffic upon occasion when moving heavy equipment and building materials.

I understand this proposal is on the agenda for your September 12, 2019, meeting. Unfortunately, I will be out of town and unable to voice my **strong objection to this proposal.** I would like to request that each member of the Zoning Commission personally drive up and down Andes Road and get the full picture. A plot plan cannot accurately inform you of the reality of this proposal.

I have experienced the increasing congestion on Hardin Valley since Ball Homes and other developers have completed new, very dense subdivisions in that area. Residents off Andes Road do **NOT** want a repeat of that poor planning. Another strong point of consideration is what effect the proposed project would have on the schools in the area.

Come take a personal look, and I believe you will agree that the proposed development would not be good, or fair, to the surrounding community. Will appreciate your consideration.

Sincerely,

Karen P. Murphy



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Item Number 9-F-19-RZ

Larry Northcutt <larry.b.northcutt@gmail.com>

Wed, Sep 4, 2019 at 7:34 AM

Reply-To: larry.b.northcutt@gmail.com

To: commission@knoxplanning.org

Item Number 9-F-19-RZ**September 12th Meeting**

In regards to Item Number 9-F-19-RZ the rezoning of the farm on parcel 105 03904 and Eubanks Chapel Cemetery on parcel 105 040 from Agricultural to PR 5 du/ac, approximately 30 acres, **I recommend denial**. My name is Larry Northcutt. My wife and I live at [1635 Old Andes Road](#). The left side of our property line is less than 260 feet from the subject property's right property line of [1609 Old Andes Road](#). I have lived at this location since 2004.

Summary

1. The intersection of Chert Pit and Andes Road is a dangerous intersection that I believe cannot handle the additional traffic that will result from this rezoning.
2. I believe increased traffic on Andes Road caused by the rezoning of the subject property is not desirable.
3. Old Andes Road, the property on which the 30 acre requested rezoning to PR is located, is a narrow, 1/3 mile long, one lane road that cannot handle the increased traffic that this rezoning will bring.
4. The proposed rezoning from AG to PR 5 du/ac is out of character for this neighborhood.
5. There is a potential environmental issue resulting from interruption of natural water flow of an intermittent stream crossing the surface of the adjacent property and below the surface of the property seeking rezoning.
6. Finally, the hilly thirty acre property Ball Homes is seeking to rezone includes two farm ponds and 100 ft of elevation change. I think that the disturbance caused by the development of this property at the density of 5 units per acre (as requested) will have an overly negative environmental impact on the property of home owners directly downstream in the Meadow Creek, Ball Camp area.

Reasoning for denial recommendation.

1. **The intersection of Chert Pit and Andes Road is a dangerous intersection that I believe cannot handle the additional traffic that will result from this rezoning.** I do not claim to be a traffic engineer/expert, but, when I stand at the end of my driveway on Old Andes Road and ask Google Maps to take me to the City/County Building downtown Knoxville google routes my travel through this dangerous intersection. There is a precedent for this argument. This issue was previously addressed by the Metropolitan Planning Commission item # 75 December 8th 2005 Meeting 12-E-05-SP (**See Attachment A**). On the basis of this dangerous intersection, Fuller Group's rezoning request from AG to PR on Andes Rd (approx. the same distance from the dangerous intersection as [1609 Old Andes Rd](#)) was denied, but, then approved by this Commission at the lower density of PR 3 du/ac. This intersection is more dangerous now than it was in 2005. There have been no improvements to this intersection since 2005. I don't have any accident, or near miss, statistics to show you but when working outside in our yard, or sitting on our porch, my wife and I are concerned as we can often hear screeching tires and occasional crashes coming from this intersection.
2. The upper section of Andes Road is a narrow, country, two lane road without painted white lines, a few choke points, and a sharp curve. This is the type of road where, at several difficult locations along it's length when two cars approach from the opposite direction they have to slow down and drive with care to avoid hitting each other. (**See Attachment E**) **I believe increased traffic on the upper section of Andes Road caused by the rezoning of the subject property is not desirable.**

3. **Old Andes Road, the property on which the 30 acre requested rezoning to PR is located, is a narrow, 1/3 mile long, one lane road that cannot handle the increased traffic that this rezoning will bring.** Old Andes Road connects with Andes Road at West Kingdom Hall Church at it's SW end and again, at my address near the dangerous intersection of Andes Rd and Chert Pit Rd at it's NE end. **(See Attachments B & F)** This road is not suitable for two lane traffic. This is the type of road that when two cars approach from the opposite direction one car has to find a wide pull over spot, pull over as far as possible and come to a complete stop, while the other car slowly, cautiously, passes. The intersection of Andes Road & Old Andes Road in front of my home is also a dangerous Y intersection. **(See Attachment B)** I think that increasing the traffic on this road, and at this intersection, would potentially be very dangerous.
4. **The proposed rezoning from AG to PR 5 du/ac is out of character for this neighborhood.** This rezoning not only effects the 30 ac rezoning from AG to PR in question but will most likely effect the future rezoning of the adjacent 35 ac farm next door, as well as all the additional AG 20+ ac zoned property immediately around it. If this property is allowed to be rezoned I feel that, as can be seen in the attached map **(See Attachment C)** that, with community best interest in mind PR 3 du/ac , or RA , would be more appropriate than the PR 5 du/ac being requested.
5. **There is a potential environmental issue resulting from interruption of natural water flow of an intermittent stream crossing the surface of the adjacent property and below the surface of the property seeking rezoning.** There is an intermittent stream that crosses the front of my property at [1635 Old Andes Rd](#) **(See Attachment D)**, as well as the back portion of properties at 1621 and 1623 Old Andes Road. The intermittent stream disappears into a rocky depression on the property located at 1621 and [1623 Old Andes Rd](#) (adjacent to the subject property at [1609 Old Andes Rd](#)). I feel the extensive earth movement as required for the lot and road building efforts associated with this rezoning request for [1609 Old Andes Road](#) will likely result in the interruption of the underground water flow of this intermittent stream. This interruption, if it occurs, will result in a back up that will likely create a wet land on properties at 1621, 1623, and [1635 Old Andes Road](#). This wetland in addition to other environmental concerns could cause the dis-function of the septic system drain fields on 1621, 1623, and 1635.
6. Finally, the hilly thirty acre property Ball Homes is seeking to rezone includes two farm ponds and 100 ft of elevation change. I think that the disturbance caused by the development of this property at the density of 5 units per acre (as requested) will have an overly negative environmental impact on the property of home owners directly downstream in the Meadow Creek, Ball Camp area.

Further Recommendation

For the above listed reasons I recommend denial of the rezoning of the farm on parcel 105 03904 and Eubanks Chapel Cemetery on parcel 105 040 from Agricultural to PR 5 du/ac. But should

the Knoxville Planning Commission decide to approve this request for rezoning to PR. I recommend subject property be approved for single family housing at no greater than 3 dwelling units per acre with conditions. This recommended density of three units per acre or lower would be in keeping with the surrounding neighborhoods of Atlee Fields, Andes Place, Reagan Wood, and Trails End all zoned PR 3 du/ac. Or, Spanish Trails, Brentwood, and Hunderd Oaks all zoned RA (Low Density Residential). **(See Attachment C)** Please note that there are no residential development with greater than 3 dwelling units per acre within one mile of the subject property.

The following are conditions I recommend the Metropolitan Planning Commission and Knox County require of the developer if the property is approved for rezoning at a density of three units per acre or lower.

1. I recommend that MPC and Knox County require an enforceable commitment from the developer to work in conjunction (by conjunction I mean that the developer should pay for it) with the county to either place a four way stop sign, or traffic light, at the intersection of Andes Road and Chert Pit Road (Pathway also enters into this intersection)
2. I recommend that MPC and Knox County require an enforceable commitment from the developer to work in conjunction with the county to make some reasonable improvements, to be identified by Department of Engineering and Public Works, to Andes Road to make it safer.
3. I recommend that MPC and Knox County require a commitment from the developer to work in conjunction with the county to widen/improve the portion of Old Andes Road from the developer's property entrance on Old Andes Road to its SW intersection with Andes Road at Kingdom Hall Church. And then change the portion of Old Andes Road from the developer's entrance to it's NE intersection with Andes Road to a marked/identified one way street.

4. Keeping in mind that there is probably no way of knowing in advance if the extensive earth movement required for the lot and road building efforts associated with this rezoning request for 1609 Old Andes Road, will result in the interruption of the underground water flow of the intermittent stream as discussed above. I request that MPC and Knox County require a binding commitment from the developer that should this interruption occur, that the developer be on the hook to fix the issue for the property owners at 1621, 1623, and 1635 to the county and the property owners satisfaction **(See Attachment D)**.
5. As a public service I recommend that the developer be required to make provision for the future expansion of their sewer system to accommodate 1619, 1621, 1623, 1625, 1635 Old Andes Road, and [1513 Andes Road](#) **(See Attachment D)**
6. As a public service I request that the developer be required to maintain the large farm pond on the subject property, along with a grassy strip surround, as common area. And I also request that this common area be open to all residences in the development as well as home owners along Old Andes Road.

Finally, I can't end this e-mail without first discussing Eubanks Chapel Cemetery. Eubanks Chapel Cemetery is located on the parcel 105 040. It is the much smaller of the two parcels that the developer is requesting to rezone to PR so it can be developed. Eubanks Chapel Cemetery is identified by USGS as a cemetery ID # 1283877. Knoxville KGIS also identifies this parcel as a cemetery. The "TNHomeTownLocator" web site lists this cemetery as a "Tennessee physical, cultural and historic feature." See attached photo taken by Alicia Laid Williams I found in the "Find A Grave" website. **(See Attachment G)** The "Find A Grave" website only listed one memorial Wiley L. Tonton 29 April 1875 to 15 May 1915. I have no idea how many others are buried in this 100+ years old cemetery. My concern is that MPC get a commitment from the developer that all TN state laws will be followed in the relocation of this graveyard prior to the development of this parcel. **(See Attachment H)**


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Larry Northcutt
865-659-4284

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This message was directed to commission@knoxplanning.org

3 attachments

 **Attachment H Historic Cemeteries In Tennessee.pdf**
30K

 **Attachment A MPC Minutes 8Dec05.pdf**
179K

 **ATTACHMENT B TO G.pdf**
3640K

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N
T E N N E S S E E

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400 Main Street
Knoxville, Tennessee 37902
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Minutes

December 8, 2005

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

The Metropolitan Planning Commission met in regular session on December 8, 2005 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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

* 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. Randy Massey led the invocation and Pledge of Allegiance.

* 2. APPROVAL OF DECEMBER 8, 2005 AGENDA

THIS ITEM WAS APPROVED ON CONSENT.

* 3. APPROVAL OF NOVEMBER 10, 2005 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

Mr. Arthur Seymour: Request that Item No. 21 be added to the postponement list.

MOTION (CLANCEY) AND SECOND (FRENCH) WERE MADE TO APPROVE POSTPONEMENTS AS READ INCLUDING ITEM 21 N. CAMPBELL STATION ROAD DEVELOPMENT 11-SE-05-C UNTIL THE JANUARY 12, 2006 MPC MEETING. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals-None

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

<u>KNOX COUNTY ZONING ORDINANCE AMENDMENT</u> Definitions and development standards for adult oriented establishments, including, but not limited to, bookstores and motion picture theaters, and changes to related sections	10-A-04-OA
<u>DUCK COVE</u> East side of Duck Cove Dr., south of Early Rd., Commission District 5.	2-SI-04-C
<u>RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - NORTH SECTION - RUFUS H. SMITH JR. & COMPANY</u> a. Concept Subdivision Plan North of Ball Camp Pike, west of Johnson Rd., Commission District 6.	5-SG-04-C
b. Use on Review Proposed use: Detached Single-family Subdivision in PR (Planned Residential) District. Commission District 6.	5-M-04-UR
<u>LAKEVIEW POINT</u> West side of Fredonia Rd., north of Merchant Dr., Council District 3.	1-SC-05-C
<u>RIVER VIEW MEADOWS -COBIA PROPERTIES, INC</u> a. Concept Subdivision Plan Southeast side of Rutledge Pk., northeast side of Ellistown Rd., Commission District 8.	1-SJ-05-C
b. Use on Review Proposed use: Detached single family subdivision in PR (Planned Residential) District.	1-H-05-UR
<u>G.S. GILL PROPERTY, RESUB OF LOT 3R1</u> North of Ball Camp Pk, west of Byington Solway Rd., Commission District 6.	5-SB-03-F
<u>WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R</u> Southeast side of Buffat Mill Rd., Council District 4.	1-SF-04-F

<u>RESUBDIVISION OF JAMES SLYMAN & B. H. NICELY PROPERTY</u> Northwest side of Tazewell Pike, north end of Clapps Chapel Rd., Commission District 8.	2-SF-04-F
<u>FARMER PROPERTY</u> South side of Majors Rd, east of Tell Mynatt Rd., Commission District 8.	6-SJ-04-F
<u>VICTORIA'S LANDING, UNIT 3</u> East end of Silveredge Rd, south of Peony Dr., Commission District 8.	9-SE-04-F
<u>GLADYS M. BRASHER PROPERTY</u> North side of Legg Ln., northwest side of Millertown Pk., Commission District 8.	1-SG-05-F
<u>HATAUB SUBDIVISION</u> West side of Hickory Creek Rd., north of Everett Rd., Commission District 6.	6-SY-05-F
<u>SHERLAKE CENTER, LOT 5</u> South side of Parkside Dr, west side of Hayfield Rd., Council District 2.	7-V6-03
<u>CITY OF KNOXVILLE</u> Southeast side of I-140 / Westland Dr. interchange, Rezoning from No Zone to A-1 (General Agricultural). Council District 2.	12-D-00-RZ
<u>CITY OF KNOXVILLE</u> North side of Westland Dr., east side of I-140 interchange, Rezoning from No Zone to RP-1 (Planned Residential). Council District 2.	12-Q-00-RZ
<u>CITY OF KNOXVILLE</u> West side of I-140, south of Westland Dr., Rezoning from No Zone to A-1 (General Agricultural). Council District 2.	12-Y-00-RZ
<u>MICHAEL MCCLAMROCH</u> South side S Northshore Dr., southwest of Pellissippi Parkway. Council District 2.	4-K-01-PA
a. One Year Plan Amendment From NPD (No Plan Designation) to GC (General Commercial).	
b. Rezoning From NZ (No Zone) to TC-1 (Town Center).	4-R-01-RZ
<u>CITY OF KNOXVILLE</u> East side of Sherlake Ln., west side of Hayfield Rd., south of Parkside Dr., Rezoning from No Zone to C-6 (General Commercial Park). Council District 2.	3-R-02-RZ

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).

ITEMS REQUESTED TO BE REMOVED FROM TABLE – (Indicated with U)

None

TABLINGS – (Indicated with T)

MOTION (CLANCY) AND SECOND (GRAF) WERE MADE TO TABLE ITEM NO. 19 ROSEBAY PLACE. MOTION CARRIED 14-0. TABLED.

Mr. Dick Graf: Asked to table definition of “Family” item no. 6, file number 11-A-05-OA.

Mr. Philip French: Asked why table.

Mr. Graf: The neighborhood group that initiated this would like it tabled to work with the County Mayor and Law Director. Asked for table because they want a longer period of time to discuss it.

Mr. Bruce Walker: 3837 Maloney Road, Knox County Represent a number of South Knoxville homeowners and community clubs. We also have Mr. Bletner who represents 6 communities in Knoxville. The issue has a great deal of concern to all interested bodies. We did not know until last night that this issue would come up. Request a workshop with the concerned community groups to get their voice put before the MPC.

Mr. Mark Donaldson: We have no preference. Tabling has a dual notification process we are comfortable with.

MOTION (GRAF) AND SECOND (CLANCY) WERE MADE TO TABLE ITEM NO. 6 KNOX COUNTY ZONING ORDINANCE AMENDMENT ON DEFINITION OF “FAMILY”. MOTION CARRIED 14-0. TABLED.

CONSENT ITEMS

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

MS. KIM HENRY RECUSES FROM VOTING ON THE CONSENT LIST.

Mr. David Dunn: 6424 Beeler Road 37918

No. 20 Clayton Crossing to be removed from the consent list.

Mr. Jim Bletner: Ask for No. 9 and 10 to be removed from consent.

Mr. David Peebles: Ask that No. 76 be removed from consent.

MOTION (EVANS) AND SECOND (CLANCY) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCEPT ITEMS NO. 9, 10, 20 AND 76A&B. MOTION CARRIED 13-0-1.

MOTION (CLANCY) AND SECOND (EVANS) WERE MADE TO APPROVE CONSENT ITEMS EXCEPT ITEMS NO. 9 KNOX COUNTY ZONING ORDINANCE, 10 KNOXVILLE ZONING ORDINANCE, 20 CLAYTON CROSSING, AND 76A&B LUTTRELL CONSTRUCTION. MOTION CARRIED 13-0-1. CONSENT ITEMS APPROVED.

Ordinance Amendments:

- P 5. KNOXVILLE ZONING ORDINANCE AMENDMENT 10-A-05-OA**
Art. 5, Section 10, Signs, to allow advertisement on trash receptacles located on City property within special trash collection service areas.

STAFF RECOMMENDATION: Approve the amendments to the Knoxville City Codes and Knoxville Zoning Ordinance.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 6. KNOX COUNTY ZONING ORDINANCE AMENDMENT 11-A-05-OA**
Article 2, Definitions, Section 2.20, to amend the definition of "family."

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * 7. KNOXVILLE ZONING ORDINANCE 12-A-05-OA**
Article 4, Section 11b, C-7 Pedestrian Commercial District, requiring Use on Review approval of garage parking on the ground floor.

STAFF RECOMMENDATION: Approve the amendments.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 8. KNOXVILLE ZONING ORDINANCE 12-B-05-OA**
Article 5, Section 10, Signs, Billboards, and other Advertising Structures, reducing the maximum permitted height of signs in the C-7 Pedestrian Commercial District.

STAFF RECOMMENDATION: Approve the amendments.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

9. **KNOX COUNTY ZONING ORDINANCE**

12-C-05-OA

To allow staff review and approval of minor changes to previously approved development plans.

STAFF RECOMMENDATION: Approve the amendments.

Mr. Buz Johnson: This amendment came from the Tennessee Technology Corridor Development Authority and only deals with plans considered and reviewed by that Board. They wanted to give the staff an opportunity to review previously approved plans. Everything has to go before that board right now. In essence if you had a 20,000 square foot building that was adding on a 200 square foot addition that would have to go before the board for approval. This sets out guidelines for City and County regulations that would allow staff to look at changes to previously approved plans. This does not include anything that has not gone before the board. Would not alter basic relationship of the proposed development to the adjacent property, would not alter uses permitted, would increase area of development by more than 5%, and would not require approval of waiver to TTCCA design guidelines or variance to the Zoning Ordinance. If the staff in its judgment decided it needed to go to the Board, then it would be submitted to the TTCCA Board. It does not involve requests approved by the Planning Commission. This includes no. 9 & 10.

Mr. Jim Bletner: 3819 Glenfield Drive
It was not clear that this was just for the area you just stated. There were several of us that thought this was across the board. I did want to make sure that was clarified.

MOTION (MASSEY) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

10. **KNOXVILLE ZONING ORDINANCE**

12-D-05-OA

To allow staff review and approval of minor changes to previously approved development plans.

STAFF RECOMMENDATION: Approve the amendments.

MOTION (SLACK) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

Alley or Street Closures:

11. ARNOLD G. COHEN, TRUSTEE

10-A-05-SC

Request closure of Chester Ave. between Dailey Street, easterly and Williams Creek, Council District 5.

STAFF RECOMMENDATION: Deny the request based on the City Engineering Department's objection.

Mr. Arnold Cohen: 608 Gay Street
MPC changed it position as result of a change by City Engineering Department. Ask for table to work out City concerns on that property. Think we could do so.

Chair Brown: Would you rather have a postponement and not a table?

Mr. Cohen: I have had two postponements due to holidays and illness. I was told you might be reluctant to postpone again. A postponement would work just as well. Ask for a 60 day postponement.

MOTION (BENEFIELD) AND SECOND (MASSEY) WERE MADE TO POSTPONE 60 DAYS UNTIL THE FEBRUARY 9, 2006. MOTION CARRIED 14-0. POSTPONED

* **12. PBA**

12-A-05-SC

Request closure of southern portion of Commerce Ave. between Marble Street and State Street, Council District 6.

STAFF RECOMMENDATION: Approve the closure subject to any required easements

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **13. PBA**

12-B-05-SC

Request closure of eastern portion of State St. between Commerce Avenue and northwest property line of 095IA022, Council District 6.

STAFF RECOMMENDATION: Approve the closure subject to any required easements

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

14. PELLISSIPPI DUTCHTOWN, GP

12-A-05-SNC

Change all Century Park JPE suffixes Way to suffix 'Drive' within Century Park development. ~~Commission District 5.~~ Council District 2.

STAFF RECOMMENDATION: Deny the request.

Mr. Nicholas Cazana: 1225 East Weisgarber Road, Co-developer
We are requesting that we be able to use the word Drive for streets within the development. We have designed to City standards the streets, boulevards and lights and request we be able to maintain streets and lights and keep in upper epsilon of type of development planning.

Mr. Arthur Seymour: Pointed out in Council District 2.

Mr. Chester Kilgore: In the Uniform Street Naming Ordinance did we not limit the number of words in a street name?

Mr. Buz Johnson: All they are asking for is to be able to use the term drive instead of way for the street system. They want to use the word drive in any street. Investment Drive instead of Investment Way.

Mr. Ray Evans: This is a commercial development. The concept of using way for private streets and drive for residential is a good idea.

MOTION (LOBETTI) AND SECOND (MASSEY) WERE MADE TO APPROVE USING SUFFIX "DRIVE" IN STREET NAMES WITHIN CENTURY PARK DEVELOPMENT. MOTION CARRIED -12-2. APPROVED.

- * 15. **EAGLE BEND REALTY** **12-A-05-SDNC**
Change Housley Farms to Carpenter Ridge, Commission District 6.

STAFF RECOMMENDATION: Approve the requested subdivision name change to 'Carpenter Ridge'

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Plans, Studies, Reports:

- 16. **METROPOLITAN PLANNING COMMISSION** **12-A-05-MP**
Oakwood Lincoln Park Neighborhood Plan.

STAFF RECOMMENDATION: Adopt and forward to City Council with a recommendation for adoption.

Chair Brown read the Resolution into the record.

MOTION (KILGORE) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

17. METROPOLITAN PLANNING COMMISSION**12-A-05-PA**

One Year Plan Amendment with regard to the South Waterfront Vision Plan and Action Plan. Council District 1.

STAFF RECOMMENDATION: Approve.

Mr. Mark Donaldson: City of Knoxville has just kicked off a comprehensive planning process to develop a master plan for the South Waterfront area. Councilman from that district approached MPC about suggesting various methods of interim growth management during the time period the master plan is being prepared and prior to adoption of formal new regulations. We looked at a whole range from doing nothing, to a moratorium, an overlay zoning and amending the various plans we already have in place. We settled in on amending the One Year Plan to organize any future zoning requests that might come up in the study area. We have crafted language to create a new classification for the One Year Plan called the South Waterfront Mixed Use District. If adopted it would apply only to any new zoning requests that came in. It would manage those in terms of time as far as a quarterly basis and establishes criteria and suggests various zone districts that may be utilized within the new classification all of which have use on review processes involved. It would give the Consultant Team, the Administration and MPC Planners a chance to work with applicants rezoning as far on site plans. Recommend approval of new land use classification and adoption for the study area that has been described by the Consultant Team.

Mr. Ray Evans: On the second page of the report it says proposed zoning districts permitted include TND through PC-1. Is that the only zoning that could be approved without a plan amendment.

Mr. Donaldson: They allow a range of uses as described. One thing they do have in common is site plan approval by the Commission.

Mr. Evans: The C & I classifications are the ones we are going to restrict.

Mr. Donaldson: Also the residential districts including TND and RP, commercial would be the TC-1, SC and PC. The uses would be allowed within those districts described.

Mr. Benefield: How was the public engaged in this process?

Mr. Donaldson: At this point not very well. We have been working with the Council member from that district and he has a group that is involved in South Waterfront foundation that he in communication with. We also used the Steering Committee from the Administration. This is the start of a public notification process. This would go on to City Council. Then we have a December

workshop and public hearing with the steering committee with the public.

Mr. Benefield: I am hesitant to activate another plan while there is a plan in the works.

Mr. Donaldson: Assuming there are definitive recommendations as far as changes to the Zoning Code or development regulations that are adopted immediately, it could be as short as six months or may extend beyond that. We consider this an interim plan. Once adopted there could be sub-districts broken out individually. It is expected to be replaced as soon as there is a plan in place.

MOTION (MASSEY) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-2. APPROVED.

Concepts/Uses on Review:

- * 18. **HOLSTON TOWNE (FORMERLY VILLA LAGO)**
 - a. **Concept Subdivision Plan** **6-SE-05-C**
West side of E. Governor John Sevier Hwy., south of Holbert Ln., Commission District 8.

STAFF RECOMMENDATION: WITHDRAW

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- *
 - b. **Use On Review** **6-G-05-UR**
Proposed use: Single family residential subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the request for u to 161 attached residential condominiums as shown on the development plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- T 19. **ROSEBAY PLACE** **8-SB-05-C**
East side of Rosebay Rd., south of Garden Dr., Council District 4.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- 20. **CLAYTON CROSSING** **11-SA-05-C**
East side of Stormer Rd., south of E. Emory Rd., north of Cupboard Dr., Commission District 7.

STAFF RECOMMENDATION: Approve the concept plan for up to 161 lots subject to 11 conditions

Mr. Robert Campbell: 7523 Taggart Lane, on behalf of applicant
Ask approval per staff recommendation.

Mr. David Dunn: 6424 Beeler Road, 37918

Ask for denial and not to allow it to expand anymore. I will give a history of the development. In 1997 Clayton Mobile Home Parks started clearing 95 acres of an abandoned farm which was grown up in cedar trees 25 to 30 feet tall. They completely stripped the ground bare. In the process of doing that they took out over 1/2 mile of my line fence. After two years of battling over the line fence, with the help of MPC in 1998 or 1999, they finally built the fence back. The mud started coming down. There is a spring over in the middle of the farm that flowed from that farm down across my farm. In July 1999 we had a big rain event and we got flooded out including Oak Chase Subdivision on Stormer Road. Oak Chase will not be flooded out anymore because the drainage now flows to me. That is against State law to change the natural flow of water. They are not allowed to put more water on me to increase it or decrease it or change it in any other way from the natural flow. They did that. There will be civil law suit later on that. They burned these cedar trees and never put the fire out. Knox County air pollution control would not enforce the regulations that fire must be put out, I think at 4 or 5 o'clock. It burned for months like that. Trash such as beer bottles, plastic wrap for mobile homes and vinyl siding blew on me. Sight distance out of Stormer Road onto Emory Road is very short and nothing has ever been done about that. There is a lot of traffic on Emory Road. Sight distance is so poor people come around to Beeler Road to come out on Emory Road. Beeler is a narrow, curvy country road not wide enough for extra traffic to come through. Traffic on Emory Road is so dense that at times I have to sit at the end of Beeler Road for 5 minutes to pull out. Also traffic at Harbison Crossroads where Emory Road and Tazewell Pike crosses, everyday backs up for three directions for over a quarter of a mile. We do not have roads to handle any more traffic. There are 706 students in Gibbs Elementary and are at near double capacity. They are building a new elementary school to accommodate 1,000 children. At the rate development is going on in my area, it looks as if the new school will be overcrowded before completed. Hallsdale Powell has a lot of major sewer overflows. Understand they are going to spend \$60 million to correct these problems. Feel there should not be any more onto Hallsdale Powell sewer until these major overflows are corrected. Sewage runs down through my property and I feel that is what caused my dad go to the hospital with pneumonia. It is destroying my property. I have pictures and video tape if you want to see them. The street water that comes out of these developments is a hazard to the live stock that drinks from that water. It is a hazard to their health. I do not want street water running across me.

Mr. Campbell: This subdivision was approved 8-9 years ago by the Commission. We are asking for 10 less units. At that time TDOT classified the stream Mr. Dunn speaks of as a wet weather conveyance and then came back and classified it as a blue line stream. We did have some erosion problems on the adjacent property. There was a remediation plan developed. Part of it required that we get on Mr. Dunn's property and clean that up. To date he has not allowed Clayton to do that. He mentioned the intersection at Emory and Stormer. We are limited to the number of units we can develop out until that intersection has been improved. Before this subdivision was even done, traffic studies were done on that intersection which showed that there needed to be some improvements to that intersection. This had nothing to do with the subdivision itself. You can argue whether it has exacerbated the problem or not. We met what staff required us to do. We have been addressing things with TDEC. There may have been errors committed in the past. I am not going to argue the validity of that. We still have to go through a stringent review process with TDEC.

Mr. Art Clancy: I talked to you before the meeting started and I understand your position on this. We are really only approving concept plan half of which the subdivision has already been approved. I understand there has been some encroachment on your property and some detriment to your property, but if you will work with Mr. Campbell and let them come on your property and work with you. I think you will find they will do due diligence to get it to where you are a good neighbor and they are a good neighbor. I have problems with people throwing trash in my backyard everyday. It is not a zoning problem, but a good neighbor policy problem. You will get more out of them if you work with them. The school is not going to get bigger until there are homes and the tax base there to pay for it. The roads do not improve until the property develops and there is a tax base to pay for it.

Mr. Dunn: My concern is was more with the mud, but I added the traffic. We come up with an agreement with Clayton Mobile Home Parks Incorporated a few years ago. That was at the time when Warren Buffat was buying Jim Clayton out and they got all the sudden concerned about the mud then that we had been complaining about. We talked it over. My Dad and I both told them stop the source of the problem first then you can come down here and clean the mud out on us. We gave them one year to do this. The only thing they done was every once in a while they would dip a little mud out with a backhoe trying to prevent it from running over the top of Beeler Road. I felt like they were just pacifying County Engineering. They never stopped the mud. If it were raining right now the mud would pour down. The

reason I am more concerned with this part is all this section drains toward me; every bit of it. This has been going on for over 7 years. My cattle have been trapped on one part of the farm for months and months at a time because they cannot get to the other part of the farm, the farm that we pay taxes on since 1948. I do not have the right to use all of my farm anymore thanks to this development.

Mr. Evans: Did CMH own the undeveloped property for a long period of time?

Mr. Campbell It has been since 1993 or 1994.

Mr. Evans: Did they own it at the time Mr. Dunn had this mud problem? Did he get the problems due to poor construction management?

Mr. Campbell: Yes. Because it was a situation where the original design actually went across this drain. When TDEC determined there was a spring present, which they determined it did not have a spring initially and came back later and said yes there was, we stopped the design on both sides so that we did not dam up the existing stream way. At the time that probably was a poor construction practice. Since then there have been stone check dams and other features put in to keep the silt from moving onto his property. My understanding with TDEC is that we have to correct those problems to get our permits through them to be able to proceed on any phase of the next part of the design plans.

Mr. Evans: We review concepts plans and areas to be rezoned. We expect that the developer along with regulatory authorities TDEC, County and City Engineering do their job. One of the biggest complaints we hear is stormwater runoff and construction damage and it is really not our issue. In many cases the property owners have a legitimate complaint. This is a minor modification that probably should be approved. I encourage you, the land owners, the developer and other government bodies to make sure that they protect the property and rights to the people around them. That is your obligation to do that. It is concerning that we hear these issues over and over again. We are not really in a position to do anything about it.

Mr. Campbell: I totally agree with you. When we design something, we design it that things are done correctly. There are times that things are not done correctly. Some times there are 100 reasons why not. In the last 5 years with more stringent TDEC regulations that have come on board, we are seeing a much lessening of that on my level.

Mr. Mose Lobetti: Long before I became a member of this commission, I have heard more complaints about Clayton's Developments. Their political power keeps them from doing what they are supposed to do to correct it.

Mr. Kim Henry: Since this is an existing concept that has been modified, do the new stormwater regulations affect this? Can County add to this discussion?

Ms. Cindy Pionke, County Engineering: Everything that has been approved concept-wise since June of this year is subject to the new stormwater regulations now.

Mr. Evans: That means if we approve this it would be covered under the new stormwater regulations? Ms. Pionke said yes.

MOTION (LOBETTI) WAS MADE TO DENY

Mr. Dunn: All I ask is that the County would strictly enforce their standards.

MOTION FAILED FOR LACK OF SECOND.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-2. APPROVED.

21. **N. CAMPBELL STATION ROAD DEVELOPMENT** **11-SE-05-C**
East side of N. Campbell Station Rd., south of Yarnell Rd., north of Black Rd, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 22. **DEVANSHIRE, UNIT IV - CARDINAL ENTERPRISES, INC** **11-SM-05-C**
a. Concept Subdivision Plan
East end of Sails Way, south of Lovell Rd., Commission District 6.

STAFF RECOMMENDATION: Approve the concept plan subject to 7 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Use On Review** **11-J-05-UR**
Proposed use: Detached single-family subdivision in PR (Planned Residential) / TO (Technology Overlay) District.

STAFF RECOMMENDATION: Approve the development plan for this final unit of the Devanshire Subdivision for up to 37

detached single family dwellings on individual lots subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 23. HAMPSON - JIM SULLIVAN** **11-SP-05-C**
a. Concept Subdivision Plan
Southeast side of Nubbin Ridge Rd., east of Wallace Rd.,
Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Use On Review** **11-Q-05-UR**
Proposed use: Detached single-family subdivision in PR
(Planned Residential) Pending District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 24. MARY HERRELL** **11-SR-05-C**
South side of E. Raccoon Valley Dr., northeast of Heiskell Rd.,
Commission District 7.

STAFF RECOMMENDATION: Postpone until the January 12, 2006 MPC meeting.

MOTION (MASSEY) AND SECOND (ANDERS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. POSTPONED UNTIL JANUARY 12, 2006.

- * 25. KENNON SPRINGS REVISED (FKA - KENNON GARDENS)** **12-SA-05-C**
East side of Kennon Rd., north side of I-40, south of McPeake Ln.,
Council District 2.

STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 5 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 26. BRASS LANTERN, REVISED** **12-SB-05-C**
Northeast side of Sands Rd., north of Bakertown Rd., Commission
District 3.

STAFF RECOMMENDATION: Approve the concept plan subject to 10 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 27. WOOD RUN ESTATES, REVISED** **12-SC-05-C**
Southwest end of Branch Fields Ln., southwest off Dry Gap Pk.,
Commission District 7.

STAFF RECOMMENDATION: Approve the concept plan subject to 8 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

28. COPPERSTONE, REVISED - THE SMITH COMPANY

a. Concept Subdivision Plan

12-SD-05-C

Southwest end of Watergrove Rd., southwest of Copperstone Ln., Commission District 5.

STAFF RECOMMENDATION: Approve variances 1-5 and the concept plan subject to 10 conditions

Mr. Robert Campbell: 7523 Taggart Lane on behalf of applicant. We approved this plan back in 2003. We had ½ acres lots and single detached on smaller lots. A lot of people get up here and say if we had bigger lots. In this case bigger lots have not sold. There are two subdivisions around this with smaller lots that have sold out. We ad some more of single PUD units and decreased lot sizes on the remainder of reports we are about 2 dwelling units per acre even with increase of the number of lots.

MOTION (GRAF) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

b. Use On Review

12-B-05-UR

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

STAFF RECOMMENDATION: Approve the development plan for this unit of Copperstone Subdivision for up to 85 detached single family dwellings on individual lots subject to 5 conditions.

MOTION (GRAF) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

29. LAKE SPRINGS ROAD EXTENSION - NEIL MORLEY

a. Concept Subdivision Plan

12-SE-05-C

East end of Lake Springs Rd., north side of I-40, Commission District 8.

STAFF RECOMMENDATION: Deny variance 1 and Approve the concept plan subject to 12 conditions

Mr. Arthur Seymour: 550 We Main Street and Mr. Morley

Ask approval per staff.

MOTION (MASSEY) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

b. Use On Review

11-I-05-UR

Proposed use: 75-unit apartment complex in PR (Planned Residential) pending District. Commission District 8.

STAFF RECOMMENDATION: Approve the development plan for a 64-unit apartment complex in the PR zone subject to 5 conditions.

MOTION (MASSEY) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

* **30. HARDIN VALLEY BUSINESS PARK**

12-SF-05-C

North side of Hardin Valley Rd., east side of Reagan Rd., Commission District 6.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **31. WESTGATE GLEN - SADDLEBROOK, LLC**

12-SG-05-C

a. Concept Subdivision Plan

Southeast side of George Williams Rd., east of Hidden Glen Ln., Commission District 5.

STAFF RECOMMENDATION: Approve variances 1-9 (with County recommended revision to #9) and the concept plan subject to 11 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Use On Review**

12-F-05-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 82 detached single family dwellings on individual lots subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 32. ANDREWS POINTE - GARY ANDREWS** **12-SH-05-C**
a. Concept Subdivision Plan
South side of Westland Dr., southwest of S. Northshore Dr,
Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Use On Review** **12-G-05-UR**
Proposed use: Detached single family subdivision in PR
(Planned Residential) pending & F (Floodway) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 33. WISTERIA PARK REVISED** **12-SI-05-C**
Southeast side of Yarnell Rd., southwest of Carmichael Rd.,
Commission District 5.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- P 34. PEMMBROOKE PLACE, PHASE II** **7-SII-05-F**
North of Middlebrook Pk., northwest of Dick Lonas Rd., Council
District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 35. FIRST AMERICAN NATIONAL BANK** **7-SV-05-F**
North side of Chapman Hwy., at east intersection of Green Rd.,
Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 36. HOSPITALITY PANTRIES PROPERTY** **9-SL-05-F**
Intersection of W. Scott Ave., and Branner St., Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 37. BOYENS PROPERTY** **11-SJ-05-F**
Southeast side of Thorngrove Pk., east of Flint Gap Rd.,
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **38. BRYANS MEADOW** **11-SP-05-F**
North intersection of Majors Rd., and Emory Rd., Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 39. BOBBY HARRIS PROPERTY** **11-SR-05-F**
Southwest intersection of E. Emory Rd. and Petree Lane, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 40. BOB BISHOP PROPERTY** **11-SCC-05-F**
Southeast intersection of Wood Rd. and Coppock Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 41. SOUTH GROVE** **11-SGG-05-F**
East side of John Sevier Hwy., south side of Chapman Hwy., Commission District 9.

STAFF RECOMMENDATION: Approve variances 1-7 and Deny final plat.

MS KIM HENRY RECUSES FROM DISCUSSION OR VOTING ON THIS ITEM.

Mr. Tom Brechko: Denial is based on fact we did not have an approved design plan at the corrections deadline. We now have a design plan approved by Engineering and is in approvable format. Would need 9-day waiver.

MOTION (MASSEY) AND SECOND (EVANS) WERE MADE TO WAIVE ARTICLE 6, SECTION 1, OF MPC'S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS. MOTION CARRIED 13-0-1. ARTICLE 6, SECTION 1, OF MPC'S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS WAIVED.

MOTION (MASSEY) AND SECOND (EVANS) WERE MADE TO APPROVE FINAL PLAT. MOTION CARRIED 13-0-1. FINAL PLAT APPROVED.

42. **Number Not Assigned** **12-SA-05-F**
43. **FAR VIEW HILLS, UNIT 3** **12-SB-05-F**
Terminus of Tomache Dr., northwest of Lonas Dr., Council District 2.

STAFF RECOMMENDATION: Approve final plat.

Mr. Tom Brechko: Concept plan was approved by MPC and appealed. City Council heard it on June 7 and City Council upheld the appeal in a sense denying the concept plan. Council for applicant submitted a letter to City Council requesting that they provide a copy of the concept plan identifying the grounds for appeal and grounds on which concept plan was denied identifying issues that needed to be corrected or addressed. They sent a second letter to City Council asking again stating that if they did not receive a response that they would proceed with submitting the design plan to City Engineering. A letter was provided to them stating that the concept plan with specific reasons for denial would not be provided and if the subdivision regulations permitted it they could submit their design plan. Applicant submitted that to City Engineering. They have approved the design plan. A final plat was submitted to MPC for review by the Planning Commission at this meeting. Staff requested that the law director for City identify if there was an issue or problem with the Planning Commission reviewing this and the response was that looking at the facts, they found no reason why the Planning Commission could not proceed with consideration of the final plat. We have reviewed the final plat for compliance with the concept plan. It does meet the concept plan conditions. We have reviewed under the requirements for approval of a final plat and find that it is an approvable plat and we recommend approval.

Mr. Arthur Seymour Jr. on behalf of applicant

We had discussion at Agenda Review about this. We are here for a discussion of approval of a final plat. In the general land use scheme that the City of Knoxville operates under, which it is enabled to do so by the State of Tennessee, we are dealing with two documents. One is the Zoning Ordinance. The property we are discussing today is zoned R-1; the same as property owned by people who will probably speak against this. It has been determined that this property, if it is developed, should be developed as single family residential homes. You then have under a second enabling act the subdivision regulations. These regulations tell a land owner what he must do to subdivide his property. Not what he can use it for, that is the Zoning Ordinance which already says this property can be used for single family homes, but how you go about subdividing property to have lots for single family homes. Courts have held that when considering zoning issues, which is not what we are considering today, you

consider policy issues. When considering a final plat, you are acting as an administrative body. Does the final plat submitted meet the rules? If it does not, you tell the applicant where it does not meet the rules and he goes back and redesigns it and resubmits it. If it does meet the rules, under the law your duty is to say it does meet the subdivision rules. Not is this an appropriate place for single family homes, that has already been decided. When going to a final plat our engineers have worked hard to ensure the final plat complies with all the rules. Staff has reviewed it. City Engineering has reviewed it. They said this final plat meets the rules. Density is not an issue. Under R-1 you can get probably 4 units per acre. This only has 2 units per acre. The subdivision rules and regulations, which my client has followed, has 3 steps. First file a concept plan. This is reviewed by MPC and government agencies. It then goes to you all and you look at it as to if it meets the rules and regulations. If it is simply turned down, as it was in this case on appeal to City Council and no reasons are given, the courts have held to go ahead with design stage, the second stage. That is reviewed by City Engineering. City Engineering has certified that the design plan meets the rules. After that you file for the final plat. If you disagree with staff or City Engineering, all I ask you is to tell us where in the subdivision regulations we not complying. If we are complying with the rules, we ask approval.

Mr. Wayne Kline: Hodges Doughty Carson 617 Main Street on behalf of Farview Hills Homeowners' Association. Just came aboard. Problem with what Mr. Seymour is talking about is in the procedural process. When Farview Hills Homeowners' Association took the concept plan and use on review and appealed it, their appeal was granted which disavowed the concept plan. Appropriate procedure in the State of Tennessee is when you have a problem with what happened at City Council you did need to take to a court of law. A court of law under a writ of cert can say the actions of City Council were arbitrary, illegal or capricious; therefore we are either reinstating MPC's ruling or are sending it back to City Council for more action. That is what should have been done here. Instead the applicant for development came and said if nobody has a problem with this we did not get a good response from City Council. In the minutes of City Council there was lots of discussion but no specific reason to say you violated the rules and regulations of the City of Knoxville Subdivision Regulations in this way. That does not give the developer anything to deal with. I think this dilemma has been placed in your lap wrongly. I think this dilemma should have been taken to court and to make a determination as to whether City Council's actions were arbitrary, capricious or illegal. This concept plan and use on review was appealed and City Council said we are throwing it out for the reasons it said so. Steve Wise and counsel for City Council have written letters. They say there has been no

reason. Something should have happened that did not happen. If it had gone through the due process, the requirements of law, then we could have had a determination. You do not need to determine whether City Council did anything right or wrong. What happens is that your ruling today on the design plan is final and we have no appeal. We have a problem if you rule. Second part is I do not think the burden should be placed on the homeowners' association. It is difficult for them because on one hand we have a system that says if you own property, you ought to develop it. But you have to develop it within the rules and regulations. This system is saying take your money, the homeowners' association, and expend your resources to appeal. When in fact the developer should have expended his resources to appeal to Chancery Court the actions of the City Council.

Chair Brown: Asked for clarification on if this item can be appealed

Mr. Buz Johnson: You have a final plat. If the final plat is denied, it can be appealed to City Council by the applicant. If it is approved, it can be appealed to City Council.

Mr. Trey Benefield: Is there anything about the plan that is not consistent with the sector plan, one year plan, the zoning code or any plan?

Mr. Tom Brechko: It complies with the one year plan, zoning standards and subdivision regulations.

Mr. Benefield: Asked City Engineering if anything about the plan does not meet engineering requirements.

Mr. David Guiles: At this time the plan has been deemed approvable. Once this plat is approved, and all appeals processes are exhausted, then the design plan will be approved as well.

Mr. Benefield: We have no grounds to deny this.

Mr. Phil French: Mr. Kline, do you agree with the comment that this is appealable by either party to City Council?

Mr. Kline: An action by MPC in the City is appealable to City Council. I was wrong when I said that. I was thinking County.

Mr. French: I do not like either side having to expend money to go to court. Some time that is the only way to resolve things. I would have liked for City Council to have told the applicant what was wrong with the concept plan. Then they could have corrected it or not. If they itemized what was wrong and the applicant corrected it, then City Council would be under the gun to approve

it. Homeowners would then have to take it to court back at the concept plan. So it seems like that is where if City Council had done their job and deficiencies were correctable, that is where they would have had to get to. I do not think that anything we do here today would put your clients in any more or less jeopardy than if City Council had done their job.

Mr. Kline: When City Council messes up, then the court decides on arbitrary and capricious.

Mr. Robert Anders: What criteria are you claiming they are not meeting?

Mr. Kline: It appears that the RP-1 and the Northwest City Sector plan for development of this type proposes slope protection. Slope protection, although not talked about a lot, would require a density of only 1 dwelling unit per 2 acres to protect the slopes. I do not know who addresses this, staff or engineering.

Mr. Dan Kelly: Staff is handing their hat on section 36-35 of the subdivision regulations. It says "appeal of approval by person or persons other than the applicant (the homeowners association was the appellant) submitting a plan or plat appeal upheld (City Council upheld the appeal by the appellant) if appeal is upheld, the applicant may redesign his subdivision to eliminate contested features or portions and submitted his design to the Planning Commission staff for review or submit his final plat for certification whichever is appropriate. In this case the deficiencies were not enumerated. City Council's attorney said we do not have that list. If you can proceed into the design plan, do it. The applicant did what was stated at this point. The property is zoned R-1 and not RP-1 and there is a significant difference in the leeway that Council and the Commission have in terms of dealing with development of the property.

Mr. Benefield: Asked about the slope protection.

Mr. Donaldson: Language that is being cited is in the sector plan. Where we have an RP zoned district, we used calculations that are consistent with the language in determining overall density within that district. In R-1 zone in the Subdivision Regulations there are very specific standards for slope protection outlined there. We took a look at those during the concept plan stage and determined they met those standards.

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

Upon roll call vote the Planning Commission voted as follows:

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

MOTION CARRIED 9-5. APPROVED.

- * **44. CUTTERS RUN, RESUB. OF LOTS 10-15** **12-SC-05-F**
West of Yarnell, south of Lovell, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **45. KNOX INFEED SUBSTATION** **12-SD-05-F**
South side of Millertown Pike, east of Loves Creek Rd., Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 46. CHUKAR STATION** **12-SE-05-F**
At the terminus of Chukar Road, north of Piney Grove Church Road, Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **47. RONNIE BRIMER PROPERTY** **12-SF-05-F**
At the north intersection of Ruggles Dr. and S. Ruggles Ferry Pike, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **48. JAMES SMITH PROPERTIES** **12-SG-05-F**
Southwest of intersection of Lovell Rd. and Hibber Rd., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **49. CARTER RIDGE, UNIT 1** **12-SH-05-F**
Southeast side of Carter Mill Dr., Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 50. PROPERTY OF R. M. MOORE & BILL FERRELL, RESUB OF LOT 9** **12-SI-05-F**
Northwest side of Everett Rd., southwest of Yarnell Rd., Commission District 6.

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

Mr. Tom Brechko: This is subdivision of a lot of 5 acres on a joint permanent easement. There are 8 lots being served by the easement. Under subdivision regulations, if you have more than 5 lots served by a permanent easement, the easement is supposed to meet street design standards, which include pavement. Engineering Department is recommending that the road be paved to a 20 foot pavement width. They are not requiring that it meet the full standards, but requesting that it be improved. This was before you a couple of months ago at which time the plat was denied. At that time the owner was not prepared to present his case. They resubmitted the plan. The covenants for this property allow lots down to 2.5 acres, which will allow a number of the other lots to be subdivided. It comes to a point at what point do you say you need to pave it or you do not.

MOTION (BENEFIELD) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DENIED.

- P 51. ATCHLEY S/D** **12-SJ-05-F**
At end of Bella Vista Lane, northeast of Kodak Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **52. TURNER ESTATE, RESUB. OF LOT 1** **12-SK-05-F**
East side of Toolles Bend Road, south of Badgett Road, Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 53. RUTH LINDSAY PROPERTY 12-SL-05-F**
End of Pheasant Creek Way, south of Roseberry Creek Lane,
Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 54. WOODS CROSSING REVISED 12-SM-05-F**
North of Tazewell Pike, east side of Parker Road, Commission
District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 55. DAMERON'S ADD. TO KNOXVILLE, RESUB. OF LOT 7R 12-SN-05-F**
Southeast side of Dameron Ave., northwest side of Bernard Ave.,
Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 56. DANIEL HENLEY PROPERTY 12-SO-05-F**
East side of Coppock Rd., north of Warren Lane, Commission
District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 57. NEW CASTLE, UNIT 2 12-SP-05-F**
North terminus of Castleglen Ln., east of Fox Rd, Commission
District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 58. DEFOE PROPERTY AND RESUB. OF CHARLES LEE ALLEN
DEFOE PROP. LOT 1 12-SQ-05-F**
East side of McCarty Rd., north of Thorn Grove Pk., Commission
District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 59. ROTHERWOOD, RESUB. OF LOT 9 & 12 12-SR-05-F**
Intersection of Westland Dr. and Rotherwood Dr., Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **60. HUNTER ESTATES** **12-SS-05-F**
 South side of Snyder Rd., west of Lovell Rd., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- 61. LOVELL CENTER INC.** **10-M-05-RZ**
 Northeast side Chapman Hwy., northwest side E. Young High Pike, Council District 1. Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: Postponed until the February 9, 2006 MPC meeting.

MOTION (MASSEY) AND SECOND (ANDERS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. POSTPONED UNTIL FEBRUARY 9, 2006.

- 62. COBIA PROPERTIES**
 Southeast side Rutledge Pike, northeast of Ellistown Rd., Commission District 8.
 - a. Northeast County Sector Plan Amendment** **12-H-05-SP**
 From LDR (Low Density Residential) to MDR (Medium Density Residential).

STAFF RECOMMENDATION: Deny MDR (Medium Density Residential).

MS. MARY SLACK RECUSES FROM DISCUSSION OR VOTING ON THIS ITEM.

Mr. Michael Brusseau: This is the fourth time considered by this body. The Planning Commission previously approved PR at 4 units per acre, RA and RAE zoning. The application now before you is for RB which is the last residential category left to do that what they want to do, which is a single family development at 5 units per acre or less. This was postponed last month to add a sector plan amendment because of the RB. The RB zone allows for possible consideration of more than 5 dwelling units per acre although the applicant is not proposing to do any more than that. Staff is maintaining its position that this is an appropriate site for single family, but do not support the RB zoning, which is why we are recommending denial of the sector plan amendment. We support PR up to four units per acre. That is consistent with the General Plan, the sector plan, and the Growth Policy Plan

which show it for low density residential development and is located in the Planned Growth area. Plans designate Rutledge Pike as development corridor. There is RB zoning in the area as well as industrial zoning in the area. Opposition's contention is that this should be maintained as an agricultural area. On inspection of the site there does not appear to be any agricultural activities on the site.

Mr. John King: P.O; Box 2425, 37901 along with Mr. Seymour who represents additionally along with me Karen Burchfield, one of the property owners involved in the current request. I have read the staff recommendation. To deny the plan amendment and approve Planned Residential at 1-4 units per acre is acceptable to the applicant.

Mr. Wayne Kline: Hodges, Doughty and Carson, 617 Main Street, representing homeowners in the area that are trying to keep this an agricultural corridor. I represent a working farm over 800 acres adjacent to this and two other farmers who have goats on their property. They must not have seen them on their drive by. We are here again in 2005 on our fourth trip. Three times this body has approved applications for rezoning for residential purposes. Today staff is recommending against the sector plan amendment and against the requested RB zoning. There is a lawsuit filed in chancery court against Knox County Commission saying actions of County Commission were illegal, arbitrary and capricious. The issue as to whether these parcels should be residential is before a court. It has been before you three times. It is here inappropriately for a request for RB zoning. You should not approve the requests.

Mr. John King: It is not here inappropriately. In each instance the zoning classification sought by application has been a different classification as is this one. Staff has said they did not like RB because it permits more density than they think is appropriate. I can understand that portion of their delivery process. They did say this property is located in an area that has developed residentially. It is on a major 4-lane highway and has proper access. Every plan in this County describes this property as property to be developed for residential utilization. I am going to be back and give County Commission another shot at Planned Residential at a density of 1 to 4 dwelling units per acre.

MOTION (MASSEY) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0-1. MDR DENIED.

b. Rezoning

11-L-05-RZ

From A (Agricultural) to RB (General Residential).

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

MOTION (MASSEY) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0-1. APPROVED.

MOTION (MASSEY) AND SECOND (GRAF) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1-4 DWELLING UNITS PER ACRE. MOTION CARRIED 13-0-1. PR AT 1 TO 4 DWELLING UNITS PER ACRE APPROVED.

* **63. GARY D. ANDREWS**

11-P-05-RZ

Southeast side Westland Dr., southwest of S. Northshore Dr., Commission District 5. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1 to 3 units per acre.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **64. J. D. ROBISON (REVISED)**

11-Q-05-RZ

Southwest side Old Clinton Hwy., northeast of Clinton Hwy., Council District 5. Rezoning from A (Agricultural) to RB (General Residential).

STAFF RECOMMENDATION: Approve RB (General Residential)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 65. THE WOODLANDS OF KNOXVILLE

11-T-05-RZ

North side Cherokee Trail, north of Candora Rd., Council District 1. Rezoning from R-1 (Single Family Residential) to RP-1 (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* **66. KAREN EBERLE**

12-A-05-RZ

Northwest side Sutherland Ave., northeast of Tobler Ln., Council District 6. Rezoning from C-6 (General Commercial Park) & I-2 (Restricted Manufacturing & Warehousing) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: Approve C-4 (Highway & Arterial Commercial) limited to a retail garden center with green houses and uses permitted under C-3 zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

67. KENNETH ZACHARCZYP

12-B-05-RZ

Southwest side N. Central St., northwest side W. Baxter Ave., Council District 4. Rezoning from C-3 (General Commercial) to C-6 (General Commercial Park).

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

Mr. Michael Brusseau: This request is to rezone the remainder of the applicant's property to C-6. A portion is already zoned C-6. There is C-6 basically surrounding the site and approval would bring the entire corner under the same zoning. Staff supports C-6 because it is essentially the same as C-3 except that it requires administrative site plan approval from staff. The one major difference and the reason for this application is because C-6 does allow automobile sales. My understanding is the applicant received a zoning violation saying the automobile sales currently on the site are not permitted in the C-3 and that is when came to seek C-6 zoning. Staff is in support of C-6.

MOTION (MASSEY) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Mr. Chester Kilgore: I have received 12 emails and numerous phone calls against this. This looks to me like this is 3-4 properties of C-6 surrounded by C-3. How much property do you own?

Mr. Ken Zacharczyp: 115 W. Baxter Avenue. It is about 1.5 acres on the corner and goes down 4 lots. The first parcel is vacant and the second parcel is a house and third is a vacant parcel.

Mr. Kilgore: Neighborhood has a problem with advancing C-6 down the street. Do you plan on keeping the houses?

Mr. Zacharczyp: All the houses are empty. One is in the process of being bulldozed right now. Eventually the property is going to be up for sale to larger corporations. I think it will be a good change for Central and Baxter. I do not plan on building on it myself. Once the properties are manicured a little more, they will be sold to larger corporations. I do not have plans for myself, but selling it as one big parcel.

Mr. Ray Evans: Are you operating an automobile sales now on the property you are asking to be rezoned?

Mr. Zacharczyp: Yes. Before I was approached with the violation, I had been using that property for 5 years. We recently tore down the old abandoned gas station and paved it and have done it with integrity. I am continuing to use the property like I always have. It now looks a lot neater than it was.

Mr. Evans: When codes came to you and told you the use was not in accordance with the zoning that you had, did you then move the automobiles off the lot?

Mr. Zacharczyp: I have too many cars to pull off, but I told them I would not buy anymore and would try to move them back.

Mr. Evans: Some of the property you are using has abandoned homes?

Mr. Zacharczyp: Those are the properties I own at the very rear of all of these parcels. They are zoned I-2. The property I use to sell cars on is already zoned C-6. I bought the adjacent property and that is the one I want rezoned to C-6. It gives me more visibility and more display area.

Mr. Evans: Is your intent to expand your automobile sales lot or is your intent to sell the property?

Mr. Zacharczyp: Both, I have to make a living there while improving it.

Mr. Robert Anders: Is C-6 more restrictive than C-3?

Mr. Brusseau: I do not know that you can say it is more restrictive necessarily. It requires administrative site plan approval whereas C-3 does not. It is more permissive as far as uses because it allows car sales and some manufacturing type uses. Generally staff is in favor of C-6 because of site plan approval and it has greater setback requirements and landscaping requirements and other requirements of C-6. In this case, unless he is proposing an expansion or another building or improvements, those requirements will not kick in unless he does proposed improvements. We feel if the site is proposed for some improvements it would be nice to have that site plan review where we can require some of the improvements to the site.

Chair Brown checked to be sure motion still held after further discussion. Motion remains unchanged.

MOTION CARRIED 13-1. APPROVED.

A BREAK WAS TAKEN FROM 3:16 P.M. TO 3:32 P.M.

68. S & E PROPERTIES

Southeast side Yarnell Rd., east of N. Campbell Station Rd., Commission District 6.

a. Northwest County Sector Plan Amendment

12-A-05-SP

From A/RR (Agricultural/Rural Residential) to LDR (Low Density Residential).

STAFF RECOMMENDATION: Approve LDR (Low Density Residential).

Mr. Arthur Seymour Jr.: On behalf of applicant. Request Planned Residential at 1 to 3 as requested. Understand, but do not agree with, the reason for the 1 to 2 recommendation. This is in the rural area under the Urban Growth Plan. However, property just to the west is zoned RA. The requested 4 to 5 acres we are asking to be zoned PR at 1-3 is contiguous to the RA property. Under the County Zoning Ordinance RA would typically yield a little over 3 units per acre. It is consistent with what is already there and contiguous to property that would permit the same development density. This is a logical extension of property that can be developed at this density.

Mr. Michael Brusseau; I agree it is adjacent to RA which permits 3 units per acre. However, the Growth Policy Plan does not permit it within the rural area unless it is an extension from the Planned Growth area. It does not permit more than 2 units per acre. At so some time prior to Growth Plan RA was put on this area. Recommendation is to stay within the policy framework of the Growth Policy Plan.

Mr. Art Clancy: If we wanted to approve 1 to 3 density, would we have to amend the Growth Policy Plan or what to support?

Mr. Brusseau: The Sector Plan would have to be amended to support a density of 1 to 3 and to support a density of 1 to 2 also. We are recommending amending the sector plan to allow for low density residential. There is no procedure in place to change the Growth Policy Plan. The rules are what they are. You can either choose to follow them or not.

MOTION (CLANCY) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

b. Rezoning

12-C-05-RZ

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

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

MOTION (CLANCY) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. PR APPROVED.

MOTION (CLANCY) AND SECONMD (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. PR (PLANNED RESIDENTIAL) AT 1 TO 2 DWELLING UNITS PER ACRE APPROVED.

- * **69. TODD T. CLAIBORNE** **12-D-05-RZ**
Southeast side Rutledge Pike, northeast side Woods Creek Rd., Commission District 8. Rezoning from RB (General Residential) to CB (Business and Manufacturing).

STAFF RECOMMENDATION: Approve CB (Business and Manufacturing).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 70. KISHOR TAILOR** **12-E-05-RZ**
Southeast side Asheville Hwy., south of Nokomis Rd., Council District 4. Rezoning from C-1 (Neighborhood Commercial) to C-3 (General Commercial).

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

Mr. Michael Brusseau: It is on the perimeter of the Chilhowee Neighborhood. There is a zoning pattern of C-3 zoning from the interstate, but there is a good transition in place under the current zoning that goes from C-3 to C-1 on both sides of Asheville Highway. That C-1 is a good established transition down to the residential zoning you have going west. The one year plan does show commercial for the property. His request is consistent with C-3 or C-1. We feel C-1 is more appropriate zone to step down to residential.

MOTION (KILGORE) AND SECOND (BENEFIELD) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DENIED.

- * **71. BRIAN WINSTEAD** **12-F-05-RZ**
Southwest side Knox Ln., southeast side Valley View Dr., Council District 4. Rezoning from R-1 (Single Family Residential) to RP-1 (Planned Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **72. MARY ANN DOWLING**
East end McBee Ln., east of Mascot Rd., Commission District 8.
 - a. Northeast County Sector Plan Amendment** **12-C-05-SP**
From LI (Light Industrial) to A/RR (Agricultural/Rural Residential).

STAFF RECOMMENDATION: Approve LDR (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **12-G-05-RZ**
From I (Industrial) and F (Floodway) to A (Agricultural) and F (Floodway).

STAFF RECOMMENDATION: Approve A (Agricultural) and F (Floodway).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **73. RICHARD & SHANNON LOYD** **12-H-05-RZ**
Southeast side Hardin Valley Rd., southeast of Steele Rd., Commission District 6. Rezoning from A (Agricultural) to CA (General Business).

STAFF RECOMMENDATION: Approve CR (Rural Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **74. CARRAHER & WARD, LLC**
North side Hardin Valley Rd., west side Reagan Rd., Commission District 6.
 - a. Northwest County Sector Plan Amendment** **12-D-05-SP**
From TP (Technology Park) to C (Commercial).

STAFF RECOMMENDATION: Approve C (Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **12-I-05-RZ**
From A (Agricultural) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve CA (General Business)/TO (Technology Overlay).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

75. THE FULLER GROUP

Southwest side Andes Rd., southeast of Fry Rd., Commission District 6.

a. Northwest County Sector Plan Amendment

12-E-05-SP

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

STAFF RECOMMENDATION: Deny MDR (Medium Density Residential).

Mr. Robert Campbell: 7523 Taggart Lane on behalf of the developer. In agreement with staff recommendation of PR at 1 to 5. Reason for request of 1 to 7 there was there was a plan approved for 1-7 south of here and we looked at that as our guiding point. But 1 to 5 will be acceptable.

Mr. John Byrd: 1619 Andes Road

Would like for zoning to remain the same as it is now. The street is a death trap. That is a very steep hill with a flashing light at the top of the hill and accidents about once a month. At the bottom of the hill is a sharp curve with guardrails up with numerous accidents. Until Knox County widens the road, I do not recommend any changes to the zoning.

Ms. Christine Northcut: 1635 Old Andes Road

Concern is intersection at Andes and Churtpit. This intersection has a high amount of traffic with no lights at intersection. This is blind intersection and accidents have occurred. My question is if anyone is considering improving the intersection and road because of drop offs in the area. There have been no improves to Andes or Churtpit in that area as on Middlebrook and Ball Camp. Proposed multi-unit property is on the blind side of the intersection and with density believe there would be more accidents. Road is a hazard already. You are setting a precedent. There are two larger properties one adjoining and one not adjoining. You will set a precedent in the area for those larger pieces which will also increase the traffic flow to the area. Rural Metro says two accidents occur a week they have to be involved in. Approve staff recommendation limited it to 1-3 units per acre and that Knox County Engineering be involved in improvements to the road.

Mr. Byrd: Have photographs here to show this is a bad road. Passed around pictures.

Mr. Campbell: Opposition correctly stated that Andes Road where it turns into Churtpit does have a flashing signal. We have certified over 400 feet of sight distance up that hill in both directions. The road has the appropriate width with stripes on both sides which indicates the correct width. Our

development will put some more traffic. Main traffic generator is the main road connects to Middlebrook Pike and Byington Soleway area on other side. Believe at 1 to 5 units per acre can maintain integrity of traffic there. Right now we anticipate 26 to 27 units.

Ms. Cindy Pionke, County Engineering: In regards to Andes/Churtpit intersection, in order to make any improvements it would have to be on capital improvements project and at this point it does not show up on the capital project list for next 10 years.

Mr. Art Clancy: Looked at this and this is a bad intersection. The fact that it is not on the 10 year plan for road improvement with Knox County is disconcerting. It is a good development. I do not think you should penalize the developer as long as he can get his sight distance it is viable. As far as setting a precedent in the area, let's get some more people in the area and see if we can get the roads improved.

Mr. Robert Anders: I lived in that area for a while. To get that sight distance is a surprise and I am sure it is accurate. That appears to be a very dangerous area.

Mr. Dick Graf: The entrance is on the opposite side of the street of Fry Road. That would mean you are pulling out with a street across the street that is not in alignment. If it is a bad stretch of road that is always confusing when the two streets are off set a little bit. You do not know that the guy on the other wide is doing. Do you know where the entrance is going to be?

Mr. Campbell: It is coming in at the driveway location at the existing house. That is correct that creates confusion at certain times. With a condo development you do not typically have peak traffic flows.

Mr. Ray Evans: To the east of this proposed property and to the southeast are developments with less density than 5 to 1. They look more liked 3 to 1.

Mr. Pruitt: They are older areas developed under that density before sewers. More recent developments are townhouse in the area of 1 to 7. There is more to the north and lesser to the south.

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DENIED.

b. Rezoning

12-J-05-RZ

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

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

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-1. APPROVED.

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE STAFF RECOMMENDATION OF PR AT 1 TO 5.

Mr. Dick Graf: I think 1 to 3 would be a closer density.

Upon roll call vote the Planning Commission voted as follows:

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

MOTION FAILED 8-6.

MOTION (ANDERS) AND SECOND (MASSEY) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1 TO 3 DWELLING UNITS PER ACRE. MOTION CARRIED 14-0. PR AT 1-3 APPROVED.

76. LUTTRELL CONSTRUCTION

Northwest side Tazewell Pike, southwest of Lambent Ln., Commission District 8.

a. Northeast County Sector Plan Amendment

12-F-05-SP

From SLPA (Slope Protection Area) and AG/RR (Agricultural/Rural Residential) to LDR (Low Density Residential) and SLPA (Slope Protection Area).

STAFF RECOMMENDATION: Deny LDR (Low Density Residential).

Mr. Robert Campbell: 7523 Taggart Lane
We agree with 2 units per acre. It matches up with the plan. We have gotten letters from the utilities and a traffic letter. We are concentrating development on the lower part of the property. Density we are looking at is close to 1 to 8 units per acre.

Mr. David Peebles: 6506 Tazewell Pike, 37918
Own property across the road and it gets all the runoff from this property. Concerned about stormwater quantity and quality. Concerned about erosion control and sedimentation.

Mr. Robert Campbell: We will have to meet the County's new stormwater regulation ordinance which is 100 year flood protection. We have to get a TDEC permit which requires the appropriate amount of sediments and erosion control. Understand gentleman's concern about erosion control. There is a creek on this property line that goes into the road and a drain that is to be determined if it is a blueline stream or a wet weather conveyance that cuts across a corner. Would have to go through the procedures and permitting process before we can move forward.

Mr. Benefield: When you submit your concept plan, will you make sure the stormwater rate of discharge and quality are addressed on that?

Mr. Campbell: Typically that is at design stage, but if staff requests it we will address it at this time. It would probably be the February meeting when we submit a concept plan.

Mr. Ray Evans: Mr. Peebles, if there is a concept plan to be developed and turned in in February you need to be aware of that and need to talk to State and County agencies about water runoff and that you be proactive and make sure the developer knows what you would like them to do.

MOTION (EVANS) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DENIED.

b. Rezoning

12-K-05-RZ

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

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of up to 2 dwelling units per acre

MOTION (EVANS) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

MOTION (EVANS) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. PR PLANNED RESIDENTIAL AT A DENSITY OF UP TO 2 DWELLING UNITS PER ACRE APPROVED.

77. VICTOR JERNIGAN 12-L-05-RZ

West side Sisk Rd. south of Pleasant Ridge Rd., Council District 3. Rezoning from R-1 (Single Family Residential) to RP-1 (Planned Residential).

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

MOTION (LOBETTI) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

MOTION (LOBETTI) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. RP-1 AT A DENSITY OF 1-5 DWELLING UNITS PER ACRE APPROVED.

*** 78. JOHN G. MOORE 12-G-05-SP**

South side Norris Freeway, west of Maynardville Hwy., Commission District 7.

a. North County Sector Plan Amendment

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

STAFF RECOMMENDATION: Approve C (Commercial) limited to SC (Shopping Center) zoning for the A zoned portion of the site north of Beaver Creek.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** b. Rezoning 12-M-05-RZ**

From A (Agricultural) to CA (General Business).

STAFF RECOMMENDATION: Approve SC (Shopping Center).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 79. SADDLEBROOK DEVELOPMENT, LLC 12-N-05-RZ**

West side W. Emory Rd., north and south sides Karns Valley Dr., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

80. JAMES RICKMAN

12-O-05-RZ

Northwest side Lyons View Pike, southwest side Colony Way, Council District 2. Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services).

STAFF RECOMMENDATION: Approve O-1 (Office, Medical, and Related Services) conditioned on any use occurring within the existing residential structure on the site and the Lyons View Pike front yard landscaping being retained.

Mr. James Rickman: 3530 Slagney: We purchased this property and know it is mixed use property. Mixed use has made it no longer viable to treat as residential and the condition to building is at this point. We request approval for office use.

Mr. Jim Bletner: 3819 Glenfield Drive, Kingston Pike Sequoyah Hills Neighborhood Association. PASSED OUT PETITION WITH 72 SIGNATURES. ABOUT 13 PEOPLE STOOD IN OPPOSTON. This is a scenic highway because of the beauty of the residential homes. We are right across the street from R-1 and across from Kingston Pike there is some office. This is a buffer zone. If we rezone this, we will split R-2 to the right and left. We are concerned because of what impact this would have. We look at it as a domino effect. We look at this as one piece we need to protect and look at it as one step into erosion into the whole area. Commissioner Kilgore brought up an important point That point was parking. O-1 requires 1 space for every 250 rentable space square footage. That would be a minimum of 8 parking spaces. Second hand out shows setbacks in the area. This property has three front yards bordering on three streets. There has to be 25 foot setback when bordering residential and 5 feet next to R-2. Shaded area is parking and hexed area is parking for 8 spaces. We have several people here that do not own a residence but travel that way and are concerned about traffic impact. You will be creating a non conforming building due to setbacks if rezoned. You will see that building sits on the line. There is a side setback requirement of 20 feet from residential property to any building in O-1. That is there because you need that buffer area. We do not have it here.

Mr. Arthur Seymour, Jr: Representing the Cynthia Foust Foster and mother conveyed this property in 1950 and it is subject to a

deed restriction for residential use only for the property. I understand you do not enforce these restrictions. If the property is rezoned, we would certainly have to go to court. Why compel the Fousts to go to Court? If you look at zoning pattern on Midland it parallels Lyons View Pike. We have zoned a few houses but they do not face on Lyons View and it has always been by agreement with residents along Lyons View with understanding that homes fronting on Lyons View would be maintained. The house is run down, but that does not prevent it from being sold as residential property. If you let any more office creep in there, this could have an adverse impact on that area. The staff report notes that the sector plan permits this rezoning, but it does not compel it. Ask you stay consistent with what has been the policy, supported by the City of Knoxville, to maintain Lyons View Pike as it has been a fine residential area. Ask denial.

Mr. Rickman: I have a 14 month old child and another on way. We will living right in that area. It is important for me to see that this area is protected and that the nature and environment is not disturbed. Plan suggested use should be limited to the buffer of the trees that exist there. There is a lot of foliage in that area. We have no intention to remove that. We should be given the opportunity to challenge any deed restriction. It is written in a manner that is unclear. The definition of a residence in this deed restriction could be interpreted as a corporate residence rather than an individual residence. Ask approval.

Mr. Randy Massey: I am going back to Smith Coughlin house. I voted to take the Historical Overlay off of it. Mr. Kilgore asked if you do that how are you going to stop commercial from marching down the street and changing the character of the neighborhood. I said everything has to come back before us. This does not fit the character of this neighborhood. It is very residential. There is a good buffer break. It is old Kingston Pike fronted by commercial. I do not think we need to start encroaching on residential part of this beautiful neighborhood.

Mr. Ray Evans: There is office on Midland. I agree with Commissioner Massey. I have substantial opposition to rezoning this office. Regardless of the applicant and his good intentions of maintaining it to look like a residence, once we rezone this property then all kinds of things could be on that property and we would have no control over it. Lyons View needs to stay residential. It is a gorgeous street of great old homes. I intend to deny the request.

Mr. Art Clancy: A lot of times in areas where the property is run down you need to rely on businesses that have the resources to come in and put the property back together. This property is extremely valuable. You can financially work the reconstruction of

that house in a lot of different ways other than commercial use. That needs to stay residential. Cannot let commercial encroach on this.

Mr. Phil French: KGIS map seems to show a structure abutting a property line, I know they are not always accurate. Map shows my property is split down the middle by my property line and not so. This may not be accurate.

Mr. Bletner: While it does not sit on the line, it is closer than the 20 feet that would be required if rezoned.

MOTION (MASSEY) AND SECOND (LOBETTI) WERE MADE TO DENY. MOTION CARRIED 14-0. DENIED.

- * **81. VICTOR JERNIGAN** **12-P-05-RZ**
 South side Gov. John Sevier Hwy. east of Winkle Ln., Commission District 9. Rezoning from A (Agricultural) to PR (Planned Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 82. JIM DOSS**
 Southeast side Hardin Valley Rd., southeast of Bryant Ln., Commission District 6.
 - a. Northwest County Sector Plan Amendment** **12-I-05-SP**
 From TP (Technology Park) and SLPA (Slope Protection Area) to C (Commercial) and SLPA (Slope Protection Area).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Rezoning** **12-Q-05-RZ**
 From A (Agricultural) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 83. PATRICK AND MICHELLE TRACY** **12-B-05-SP**
 South side Topside Rd., west side Maryville Pike. South County Sector Plan Amendment from LDR (Low Density Residential) to C (Commercial). Commission District 9.

STAFF RECOMMENDATION: Deny C (Commercial).

Mr. Ken Pruitt: This has a commercial structure built on it that was permitted as a residential garage. The use of the property transpired into a commercial activity. They are seeking a

commercial to pursue an extension of the existing CA zoning to include this property and bring into conformity with CA. Predominant use is residential with exception of convenience store which has been there for years. This request would be out of character with the predominant residential character.

Mr. Patrick Tracy 3104 Topside Road

Been in the community for over 15 years. I built the building not to be a commercial business. It has a house in it and we rent out the house. The place I was working did not work and I worked out of the building. We improved the property, changed the storm drainage and installed a fill pond. Property has commercial on the road frontage. Address up until recently was 3213 Maryville Pike. Our driveway would have to go across commercial to get to our property. 911 changed address because our driveway was safer on Topside. Traffic will not increase. We are not doing damage to homeowners. Took copy of what I filed with MPC to all the neighbors and have over 51 signatures with surrounding neighbors all the way down Topside. I am sure some did not agree with it. ABOUT 6 PEOPLE STOOD IN SUPPORT. My wife's family owns the 45 acres directly behind us. We are not planning on changing the zoning and moving. We plan to be here plan and landscaping the field between my building and Topside Road.

Mr. Guy Lasiscero, 3206 Maryville Pike Live across street.

He bothers nobody and takes care of his problems. He is a good neighborhood and he is A-1.

Mr. Randy Compten 3900 South Lake Boulevard

That property is low density residential. There is a brand new home going in across the street from what that he is proposing to be commercial. I do not know how he got a permit to build his garage commercial. He has had a sign up on his business in the back of his property for along time. He has used it as a demolition dump to build the ground up around his property. Hop In Market has been grandfathered in. He did have to cross Old Maryville Pike before it was moved. Property adjoins him his wife's family owns is zoned low density residential. It abuts my subdivision at the bottom of the hill. Think we need to protect the integrity of that neighborhood. There is plenty of commercial on Johns Sevier Highway.

Mr. Mike Brown: 7320 Twin Creek Road, 37920, on behalf of the Doyle Area Homeowners Association

Use of this property has been commercial in a low density residential. He also mentioned he had an apartment in his garage. Question if that is legal. There are several of us that spent many years developing a sector plan for our area designating usage and what we felt like we needed in the community. This does not fall within that category. Ask denial.

Mr. Art Clancy: Is it possible to do a use on review for this garage repair business?

Mr. Pruitt: It is zoned RB with the exception of a small sliver associated with that convenience store property that is zoned CA. Multifamily or residential uses are permitted, but not for commercial purposes.

Mr. Dick Graf: In the past parcel No. 4 was up for rezoning to commercial and we denied that. There is not any other commercial around there.

MOTION (GRAF) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DENIED.

Uses on Review:

84. To Be Heard with Concept Plan Item No. 29

- P 85. SADDLEBROOK DEVELOPMENT, LLC 11-M-05-UR**
West side of Centerpoint Blvd., north of Lovell Rd. Proposed use: Office and mixed use in BP (Business and Technology) / TO (Technology Overlay) & OB (Office, Medical & Related Services)/ TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 86. SADDLEBROOK DEVELOPMENT, LLC 11-R-05-UR**
West side Lovell Rd., south side Yarnell Rd. Proposed use: Animal hospital in PC (Planned Commercial) / TO (Technology Overlay) District. Commission District 5.

STAFF RECOMMENDATION: Approve the development plan for an animal hospital in the PC zoning district, subject to 9 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 87. BEST SIGNS 12-A-05-UR**
West side of Tice Ln., south of Neal Dr. Proposed use: Commercial building expansion in PC (Planned Commercial) District. Commission District 7.

STAFF RECOMMENDATION: Approve the request to construct a building containing up to 5,400 sq. ft on this site as shown on the development plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **88. SITE, INC.** **12-C-05-UR**
South side Dutchtown Rd., northwest side Academy Way. Proposed use: Middle school and campus center expansion in A-1 (General Agricultural) and RP-1 (Planned Residential) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for a middle school and campus center expansion in the A-1 zoning district subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 89. WITHDRAWN PRIOR TO PUBLICATION** **12-D-05-UR**

- * **90. RICHARD DILLARD** **12-E-05-UR**
South side of Tecoma Dr., west side of Orlando St. Proposed use: Office for maintenance and construction company as a home occupation in R-1 (Single Family Residential) District. Council District 5.

STAFF RECOMMENDATION: Approve the office for a maintenance and construction company as a home occupation at this location, subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- 91. Consideration of election of Planning Commission Officers for Calendar Year 2006.** **12-A-05-OB**

Mr. Phil French: November nominations were Randy Massey as Chair and Ray Evans as Vice Chair.

MOTION (FRENCH) AND SECOND (KILGORE) WERE MADE TO ACCEPT NOMINATIONS. MOTION CARRIED 14-0. RANDY MASSEY ELECTED CHAIR AND RAY EVANS ELECTED VICE CHAIR.

- * **92. Consideration of authorization to prepare the necessary amendments to the Knoxville Zoning Ordinance to allow lots recorded by deed to be approved for building permits under certain conditions.** **12-B-05-OB**

RECOMMENDATION: Proceed with amendments and guidelines.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **93. Determination of permitted use: self-service storage in OB (Office, Medical, and Related Services) District.** **12-C-05-OB**

STAFF RECOMMENDATION: Approve a self-service storage facility as a permitted use in the OB zone, subject to the locational and area regulations listed (7).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (MASSEY) WAS MADE TO ADJOURN

There being n further business, the Metropolitan Planning Commission meeting was adjourned in order at 4: 22 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.

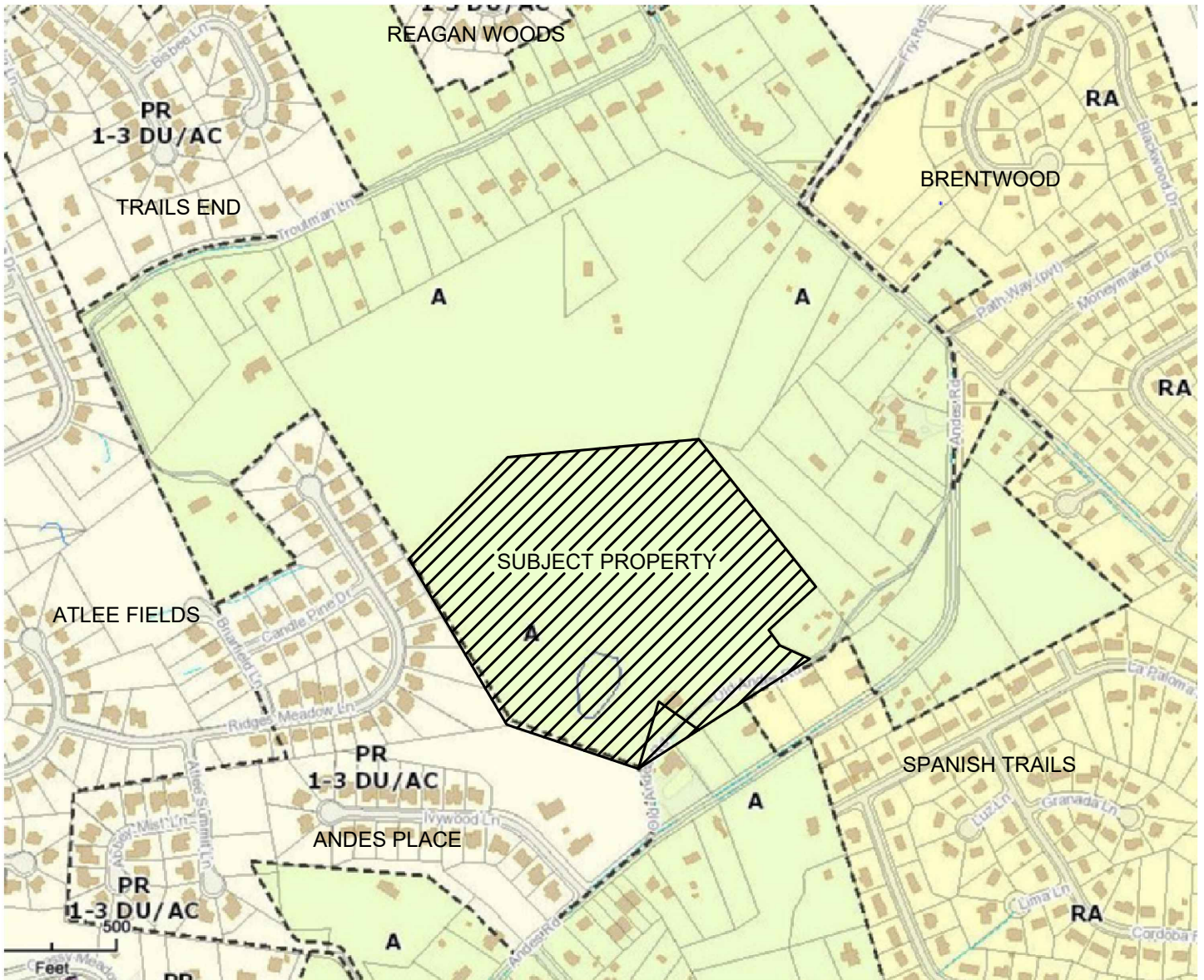
ATTACHMENT B

LARRY NORTH CUTT COMMENTS 9-F-19-RZ
MPC MEETING SEPT 12 2019



ATTACHMENT C

LARRY NORTH CUTT COMMENTS 9-F-19-RZ
MPC MEETING SEPT 12 2019

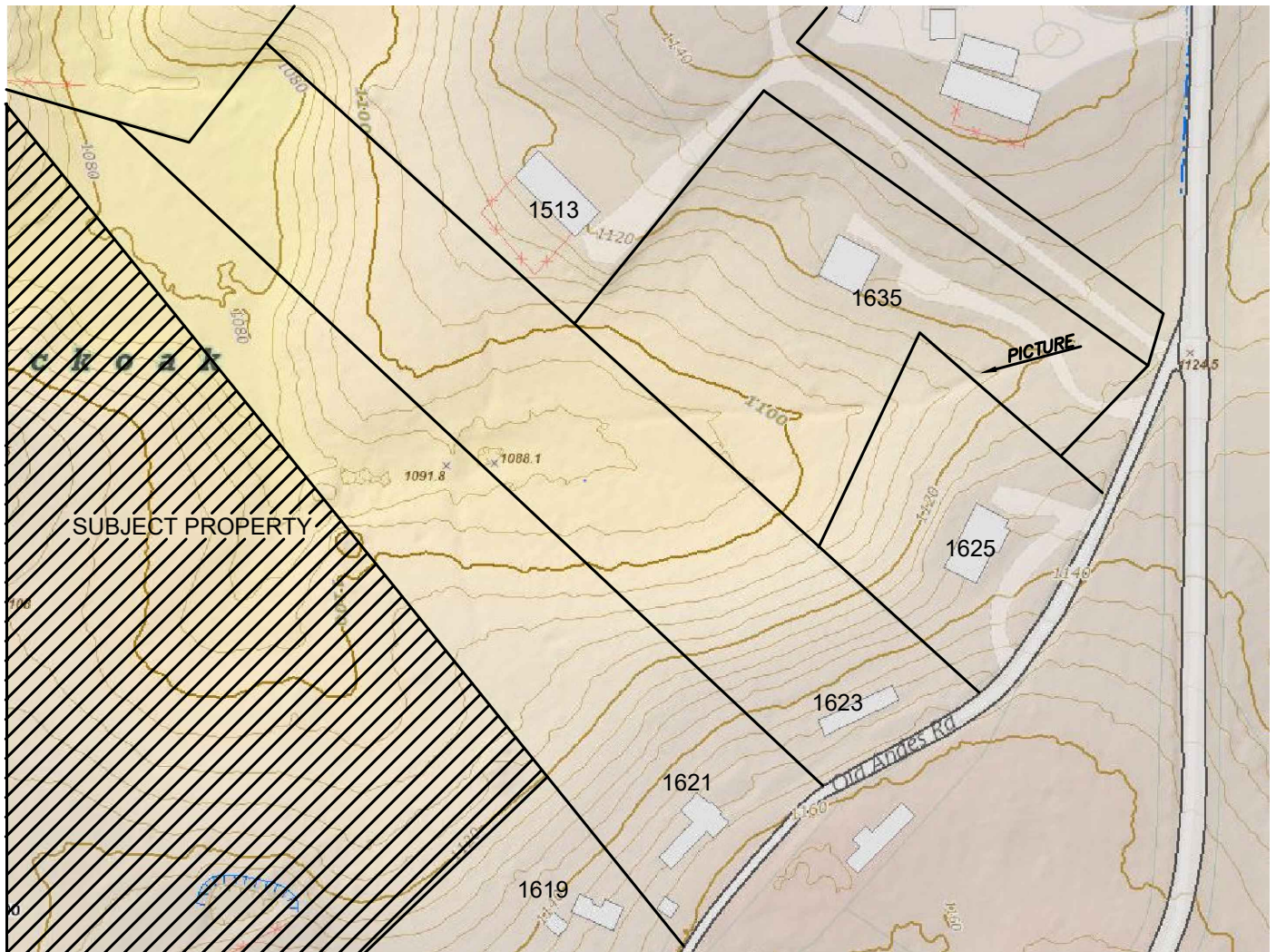


ATTACHMENT D

LARRY NORTH CUTT COMMENTS 9-F-19-RZ
MPC MEETING SEPT 12 2019



PICTURE TAKEN FROM
DRIVEWAY AT 1635 OLD
ANDES RD FOLLOWING A
HEAVY RAINFALL

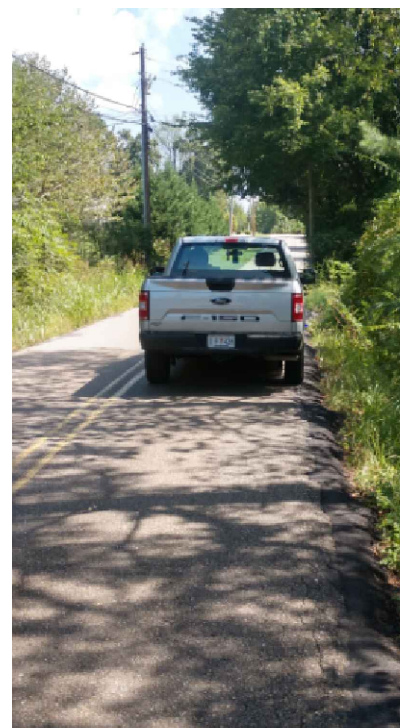


ATTACHMENT E

LARRY NORTHCUTT COMMENTS 9-F-19-RZ
MPC MEETING SEPT 12 2019

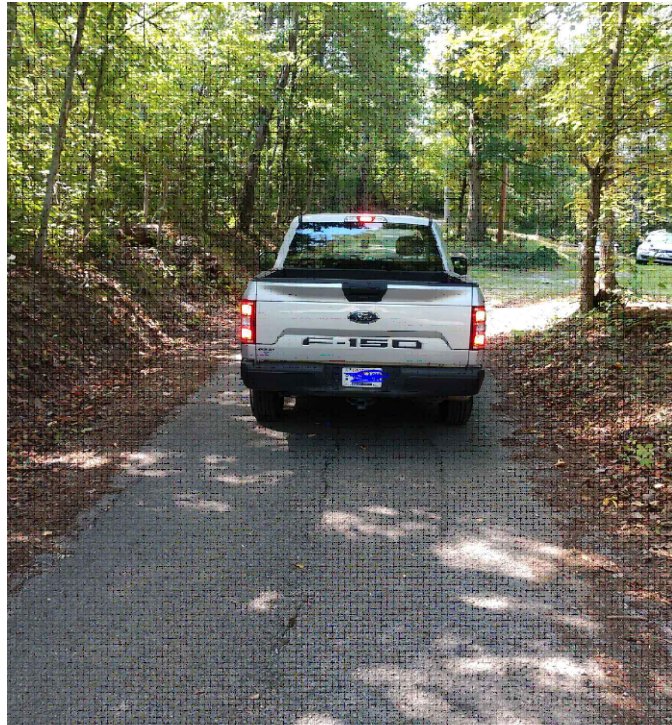


PICTURES TAKEN ON ANDES ROAD



ATTACHMENT F

LARRY NORTHCUTT COMMENTS 9-F-19-RZ
MPC MEETING SEPT 12 2019



OLD ANDES ROAD

NE INTERSECTION OF ANDES AND OLD ANDES ROAD



ATTACHMENT G

LARRY NORTHCUTT COMMENTS 9-F-19-RZ
MPC MEETING SEPT 12 2019



JAMES & JOHN SMITH
JUNE 1871 TO JAN 1866



DARTHA
WHITAKER
JULY 1909 TO
NOV 1909

EUBANKS CHAPEL CEMETERY



PHOTO BY: ALICIA LAIRD WILLIAMS
SOURCE: FIND A GRAVE.COM

HISTORIC CEMETERIES IN THE STATE OF TENNESSEE

General Information, Laws, And Guidelines

The purpose of this brief information sheet is two-fold: (1) to provide general guidance for landowners, developers, family members, and/or other concerned citizens when faced with the discovery, identification, care, disposition, and/or removal of a historic cemetery; and (2) to inform citizens of the Tennessee Division of Archaeology's role regarding historic cemeteries on private property. For the reader's information, all human remains in Tennessee (whether modern or ancient) are protected under state law. *Please note the guidelines, laws, and procedures presented in this sheet are for the convenience of interested parties, and should not be used in place of legal counsel.*

Desecration

There are several state statutes relevant to historic cemeteries. The primary cemetery statutes consist of T.C.A. 39-17-311 (Desecration of a venerated object) and T.C.A. 39-17-312 (Abuse of corpse). Desecration of a place of burial is a Class A misdemeanor; to disinter a corpse without legal authority is a Class E Felony.

Relocation of a Cemetery

State law provides a process by which a landowner or family can request permission from the local court to relocate a grave to another cemetery. The cemetery must be abandoned, or in a neglected condition, or the new proposed use of the existing cemetery must be inconsistent with proper respect and reverence for the dead. The relatives of the deceased must be given legal notice, but they do not have to give their permission. It is the right of the property owner to remove and relocate the graves, at his or her expense. The removal must be done with due care and decency, and the landowner must provide a suitable place for reinterment of the removed remains.

The primary statute to remove and relocate graves is T.C.A. 46-4-101-104 (termination of land use as cemetery). Also, a disinterment order from the State Department of Health, State Registrar, Office of Vital Records (T.C.A. 68-3-508 and Rule 1200-7-1-.08) may be required prior to the removal of any human remains.

Archaeologist or Funeral Home for Removal

Archaeological techniques are better for graves that have been abandoned, or in areas where it is difficult to find the graves. Archaeologists have more experience in identifying artifacts (such as coffin hardware or jewelry), and may have a better chance of identifying the deceased in locations with poor preservation conditions. Modern (post 1925) graves are better handled by funeral homes.

Discovery of Human Skeletal Remains

If human skeletal remains are accidentally exposed by construction or some other activity, then the contractor or landowner is required to stop all work in the area and call the medical examiner or coroner, as well as local law enforcement (T.C.A. 11-6-107d). The Division of Archaeology should also be notified. These steps should be followed any time human remains are discovered.

Does a Cemetery Exist on my Property?

Persons interested in property for purchase or development should be aware of the potential presence of cemeteries. Helpful ways to determine if a cemetery is located on a particular tract of land include: (1) check old deeds and other property records; (2) check old maps; (3) talk with long-time residents of the area; (4) look for sunken areas that are oriented east-west; (5) look for *vinca minor*, also known as cemetery ivy; and (6) look for tombstones or plain stone markers.

If a cemetery exists (or is determined to be present) on a particular piece of property, then the landowner has certain obligations that must be followed. For example, construction must allow a ten-foot buffer around the perimeter of the graves, five-foot buffer around a crypt (T.C.A. 46-8-103). Also, family members have a right to

visit the graves of their ancestor, even though someone else may own the property. In addition, if a cemetery is shown on a deed, the immediate owner and future buyers have an obligation to protect the graves from disturbance.

To protect an ancestral burial ground, family members should make sure the cemetery is well marked with a fence and a sign. Also, the cemetery should be surveyed by a professional surveyor and recorded on the deed. These actions will help ensure that the cemetery will be part of the public record.

The Tennessee Division of Archaeology and Historic Cemeteries Located on Private Property

Each year the Division of Archaeology receives numerous reports from public and private interests of human skeletal remains exposed as a result of various ground-disturbing activities (construction, farming, erosion, etc.). We respond to these reports with an initial evaluation whether or not human skeletal remains are present. In those cases where human remains are exposed (or have the potential to be disturbed), the Division provides technical advice to help landowners understand their obligations and options under the state's cemetery statutes.

On private property, it is always the landowner's responsibility to follow the state cemetery laws. The Division of Archaeology cannot force a private landowner to conduct a burial investigation. Our involvement is limited to technical advice unless human skeletal remains are actively disturbed. At this time, the Division of Archaeology does not have the available resources to conduct field evaluations (locate a cemetery, assess cemetery boundary, determine the number of graves, etc.) on private property. There are, however, a number of private archaeological consultants that can provide such services. The Division has a list of consultants working in the state of Tennessee that can be provided upon request.

Helpful Resources

The following resources may be of assistance to persons interested in historic cemeteries across the state of Tennessee.

Archaeological consultants working in Tennessee: <http://www.tdec.net/hist/pdf/archaeol.pdf>

Davidson County Cemetery Survey: <http://davidsoncocemeterysurvey.com/>

Endangered Cemeteries in Tennessee: <http://members.aol.com/genny1/CEM/new.htm>

Links to Resources on Cemetery History and Preservation: <http://www.potifos.com/cemeteries.html#preservation>

Tennessee Code Annotated: <http://www.tsc.state.tn.us>

Tennessee State Burial Law: <http://www.tngenweb.org/law/cemetery-law.html>

Tennessee State and County Medical Examiners: <http://www2.state.tn.us/health/snep/>

Tennessee State Library & Archives (find public libraries and historical societies): <http://www.tennessee.gov/tsla/>

Tennessee Tombstone Transcription Project: <http://www.rootsweb.com/~cemetery/tennessee/tenn.html>

The Association for Gravestone Studies: <http://www.gravestonestudies.org/>



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] 9-F-19-RZ Ball Homes Rezoning

Les Rice <yankscows.lr@gmail.com>

Sun, Sep 1, 2019 at 3:51 PM

Reply-To: yankscows.lr@gmail.com

To: commission@knoxplanning.org

To Knox Planning Commission:

As a resident of [9340 Ivywood Lane](#), I am opposed to the request by Ball Homes LLC to rezone [1609 Old Andes Road](#) from agricultural to residential, active case 9-F-19-RZ .

As currently constructed, Andes Road is too narrow, with no shoulders on the road. Also, traversing south to north, there is a hill which creates a blind spot where Andes Road and Ivywood Lane intersect. Far too many times as I've traveled north on Andes, vehicles comes over the blind hill on my side of the road. I have to verve over and try not to drop off of the road.

Exiting Andes road on the north end at Chert Pit Road, there is another blind because of a hill, when attempting to make a left hand turn.

Proposing 150 new homes with there only access to the surrounding area via Andes Road is not practical or reasonable, the way Andes is currently configured.

I am opposed to the rezoning and want to go on public record as such.

Even without the rezoning, a 3 way stop should be instituted where Andes and Ivywood Lane intersect. All of Andes also needs to be widened.

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Leslie G. Rice
[9340 Ivywood Lane](#)
Knoxville, TN
37931

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Rezoning on Old Andes Road - West Knoxville

1 message

Lassiter, Dawn (IHG-TYSPD) <Dawn.Lassiter@ihg.com>

Mon, Aug 26, 2019 at 12:45 PM

Reply-To: dawn.lassiter@ihg.com

To: "commission@knoxplanning.org" <commission@knoxplanning.org>

To the Knox County Planning Commission:

I have lived in the Chert Pit/Jenkins Road area for more than 12 years and want to voice my great concern and opposition to the proposed rezoning of Old Andes Road (between Chert Pit and Middlebrook Pike).

Development in this area will create an even greater hazard at the blind hill intersection of Old Andes and Chert Pit. That two-lane roadway is already dangerous for travelers in both directions, and adding more housing in that area will only increase the traffic woes for all of the existing neighborhoods.

I strongly encourage you to not to approve the rezoning request for the 30+ acres at Old Andes Road in upcoming commission meetings.

Sincerely,

Dawn Lassiter
[7802 Senate Lane](#)
Knoxville, TN 37931

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Rezoning

1 message

Charlotte Badger <outlook_4003A7D621A139C9@outlook.com>
Reply-To: outlook_4003a7d621a139c9@outlook.com
To: "commission@knoxplanning.org" <commission@knoxplanning.org>

Sat, Aug 24, 2019 at 6:32 PM

To whom it may concern,

We, in the Hardin Valley do not want rezoning. It is growing out here by leaps and bounds. This includes Ball Camp and Andes Rd, with the narrow roads, how will the traffic problem be handled?

Sent from [Mail](#) for Windows 10

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Rezoning for 1609 Andes rd

1 message

Karie Duncan <karieduncan@gmail.com>

Sun, Aug 25, 2019 at 4:35 PM

Reply-To: karieduncan@gmail.com

To: commission@knoxplanning.org

Hello,

My name is Karie Quick. I live in Atlee Fields up against the land Ball Homes is trying to buy. I just wanted to say that a lot of creatures live on that land have made their homes their. I know cows can be moved but I'm talking about the wildlife. I understand this would be a huge profit for them and it's smart business for them (somewhere else). The families here have bought houses for the view. When you come in to build these homes there will be noise and a lot of people from our neighborhood will move because this is not what we had bargained for when we bought our homes. This road is also extremely small and congested as it is. If you bring in more homes and more people the county will have to create a new road to prevent congestion and wrecks from happening.

This is not a smart decision for the environment, business, the local neighbors, or for traffic purposes. Please reconsider rezoning and keep it zoned for agriculture. It's peaceful and we would like to keep some heritage here instead of having it destroyed for a pretty penny.

Thank you for your time,

Karie

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Old Andes Rd.

1 message

Janice Everett <janice_everett@msn.com>

Sun, Aug 25, 2019 at 3:28 PM

Reply-To: janice_everett@msn.com

To: "commission@knoxplanning.org" <commission@knoxplanning.org>

Please do not approve the request by Ball Homes to rezone acreage on Old Andes Rd. to residential. I am one of many who feel this would be a detriment due to this narrow winding road already being hazardous to navigate and an especially troublesome intersection at Chert Pit Rd. Adding hundreds more cars daily on this route is begging for trouble. Also the schools are already crowded and traffic in those zones morning and afternoon is a pounding headache. Infrastructure should be addressed and handled before blanket development is allowed.

Sent from my iPhone

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Re: Potential Rezoning for Andes and Chert Pit.

1 message

Jen Gray <jen@angelcarebhs.com>

Sat, Aug 24, 2019 at 6:17 PM

Reply-To: jen@angelcarebhs.com

To: commission@knoxplanning.org

Hello.

I live in Brentwood Subdivision off of Chert Pit. Traffic is pretty consistent during any part of the day on Andes and turning left or right from Andes to Ball Camp Pike is no easy feat. Tunring right or left from Andes onto Chert Pit is quite a risk. Rarely any cars obey the 15mph speed limit and if you begin to turn and a car flies over the hill, you are usually met with tailgating down Chert Pit or Andes. I fear that rezoning and the potential for 150 + extra cars will only add to the traffic congestion and increase the potential for accidents. Please consider the families traveling that way to take children to school to avoid the gridlock of Middlebrook Pike and Ball Camp Pike.

I wish I could attend the meeting in person, but I have to work.

Please consider my request against the rezoning.

Thank you,

Jen Gray

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Resining

1 message

Mary Ann Johnson <mimijohn1230@gmail.com>

Sat, Aug 24, 2019 at 8:45 PM

Reply-To: mimijohn1230@gmail.com

To: commission@knoxplanning.org

Please don't allow more houses to be built on Andes Rd. Hardin Valley is overcrowded , Bob Kirby is overcrowded .. they are building houses on top of houses .. the roads are too narrow.. it's not safe all these cars .

Thank you !

Mary Ann Johnson

10079 Gate Post Way

37931

Sent from my I phone

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] 1609 Old Andes

1 message

alana mcalister <alanagirl@comcast.net>

Sat, Aug 24, 2019 at 7:37 PM

Reply-To: alanagirl@comcast.net

To: "commission@knoxplanning.org" <commission@knoxplanning.org>

I am against the rezoning of property from agricultural to residential I live in Chert Pit and that is a very dangerous intersection.

Thank you
Alana McAlister

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Rezoning on Old Andes Road.

1 message

Lara Miller <hapersmion@gmail.com>

Sat, Aug 24, 2019 at 7:59 PM

Reply-To: hapersmion@gmail.com

To: commission@knoxplanning.org

To the Planning Commission:

Hello, I am a resident of the Gulf Park neighborhood, and I recently learned that Ball Homes has requested rezoning of 30 acres near here, on Old Andes Road, from Agricultural to Planned Residential. I am against this change. We don't need to give up more green space for another ugly little neighborhood with the houses all squeezed together - not to mention the increase in traffic on a small and already-dangerous road. Please deny this request. If we really need more houses, let Ball Homes consider building them on land that's already demolished. Let the farm stay.

Thank you,
Lara Miller

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Old Andes Road Rezoning

1 message

'Carol Richards' via Commission <commission@knoxplanning.org>

Sat, Aug 24, 2019 at 7:56 PM

Reply-To: carolrichards52@icloud.com

To: commission@knoxplanning.org

I understand that Ball Homes is trying to have an area on Old Andes Rd. rezoned into residential. That is right on the corner of Old Andes Rd. and Andes Rd./Chert Pit Rd. It's very dangerous trying to turn off Old Andes Rd. onto Andes Rd./Chert Pit now. With the proposed large number of homes that they are wanting to build it will be extremely dangerous. I go up Chert Pit Rd. all the time. I slow down considerably as I approach the top of the Hill, because the person turning off of Old Andes Rd. can't see if it's clear to turn.

I oppose the rezoning for this reason. I also see no reason to build more houses in this area. I hope the opposition to this rezoning will be heard.

Sincerely,

Carol Richards
2029 Smoky River Rd.
Knoxville, TN 37931

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Rezoning 30 acres Old Andes Rd

1 message

Kate Schumacher <krs523@hotmail.com>

Sun, Aug 25, 2019 at 4:23 PM

Reply-To: krs523@hotmail.com

To: "commission@knoxplanning.org" <commission@knoxplanning.org>

Cc: Jeff <packard@ymail.com>

Hello - I reside at 3013 Maple Knot Ln, 37931. Please document my opposition to rezone the 30 acres on Old Andes Rd from agricultural to homes. I'm unable to make the public hearing on September 12th but need you to understand and note my opposition.

Best Regards -
Kate Schumacher and Jeff Packard

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] September 12, 2019 Old Andes Rd Rezoning

1 message

Anthony Segraves <segraves4@hotmail.com>

Sun, Aug 25, 2019 at 3:06 PM

Reply-To: segraves4@hotmail.com

To: "commission@knoxplanning.org" <commission@knoxplanning.org>

I'm unable to attend the September 12 meeting, as my work schedule doesn't permit; however, I drive to and from work in that area daily on Chert Pit. I think the additional traffic that would be added would be more than the current road conditions could accommodate and I am not in favor of rezoning and adding additional residential homes in that area.

Wm Anthony Segraves
Knoxville TN
segraves4@hotmail.com

Virus-free. www.avast.com

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment]

1 message

+18656177543@mymetropcs.com <+18656177543@mymetropcs.com>

Sun, Aug 25, 2019 at 10:23 AM

Reply-To: +18656177543@mymetropcs.com

To: commission@knoxplanning.org

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The re-zoning for residential status at Chert Pit an Old Andes Rd. will be even more dangerous than it already is, coming up Chert Pit heading to Middlebrook Pike is already extremely dangerous for drivers. As you start up the hill toward Old Andes Road there is a " caution light blinking" to warn drivers of the dangerous intersection becuse it is already so extremely difficult to see if someone is pulling out from Old Andes Rd. That area is far too dangerous for more cars! Someone is bound to be killed if that subdivision is built and their blood will be on your hands!!!

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This message was directed to commission@knoxplanning.org

 **text_1566742363480.txt**
1K



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Rezoning

1 message

'williamsenmichael@yahoo.com' via Commission <commission@knoxplanning.org>

Sat, Aug 24, 2019 at 9:29 PM

Reply-To: williamsenmichael@yahoo.com

To: "commission@knoxplanning.org" <commission@knoxplanning.org>

I'm against the rezoning in the cedar bluff area due to overcrowding. We don't need any more homes built there's enough congestion already and don't need any more.

Thank you for your consideration

Mike Williamsen

[Sent from Yahoo Mail on Android](#)

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] RE: File 9-F-19-RZ

1 message

Heather Wooten <hwooten39@gmail.com>

Sun, Aug 25, 2019 at 10:38 AM

Reply-To: hwooten39@gmail.com

To: commission@knoxcounty.org, commission@knoxmpc.org

To Members of the Knox County Planning Commission and whom it may concern:

Thank you for your service to the Knox County area and thank you for the postcard letting our neighborhood know about the proposed rezoning at [1609 Old Andes Road](#). I am a resident of Atlee Fields subdivision which backs up to this property. I have many concerns about this rezoning, especially since Ball Homes is the developer. Ball has a reputation for building neighborhoods with no consideration for traffic, aesthetics, affects on neighboring areas, or property values. Their plan in putting 5 units per acre would potentially add 150 houses to this lot. Old Andes Road is an extremely narrow unlined road with no shoulder that cannot sustain this additional level of traffic, both with this level of construction and eventual residents. Our neighborhood homes are selling for between \$350,00 and \$400,000 dollars, and having lots with five units per acre will not be comparable to the property values and this neighborhood will connect to the back of Atlee Fields, visually joining our neighborhood. This will greatly diminish our property values.

Of greater concern is the environmental impact. Have they performed an environmental study? What will this do to the precipitation runoff and groundwater absorption? Recent flooding in non-flood zones has shown that this type of development is not sustainable and has created a financial hardship for many Knox County residents. What animals will be affected? There are cows who reside on this property currently. How will all of these houses affect traffic patterns and schools in the immediate area? Old Andes and Andes Roads can currently barely handle two cars passing at the same time. Will the current water, electrical, gas utilities be able to handle the increase in load? Have you considered the overcrowding of both Cedar Bluff and Hardin Valley Schools? Hardin Valley Academy has the largest amount of students to date. Will Knox County provide our school system the funds to expand or build new schools to support this? Ball already has two other massive developments going up within 2-3 miles of this land. One off of Bob Kirby Road and another off of Hardin Valley Road. In addition, Ball and other developers have created serious traffic problems with the rapid development of neighborhoods in the Hardin Valley Area, and to date I am not aware of Knox County adding any additional traffic lights or expanding the roads to support this. I respect the rights of businesses to want to profit, but at some point the greater good of Knox County's current residents must be taken into consideration. The pace of growth in this area is more than three times that of other areas of Knox County. Please help address these issues. We do appreciate your service and commitment to the community.

Sincerely,

Heather Wooten
[9300 Ridges Meadow Lane](#)
[Knoxville, TN 37931](#)

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This message was directed to commission@knoxplanning.org