

MPC AGENDA REVIEW MEETING

**May 11, 2010
Meeting Agenda**

I. Executive Director's Report

II. Review of MPC Items

- **Ordinance Amendments**

#5 Amendment to the Knox County Zoning Ordinance Re: the composition and term of office for members of the Knox County BZA (3-A-10-OA) Staff Recommendation: **APPROVE**. This amendment was referred back to MPC from County Commission for consideration of a two-year term of office, in addition to the change regarding board composition. The previous change had recommended a four-year term. The revised amendment also includes new dates to signify the ending and beginning of terms on the board. **(Johnson)**

#6 Amendment to the Knoxville Zoning Ordinance Re: the use of goats as a Temporary Use on public land for vegetation control (5-A-10-OA) Staff Recommendation: **APPROVE**. This change, which was requested by the city's law and public service departments, will allow the temporary use of goats for vegetation control on public property. This has proven to be effective in other communities, and Knoxville officials would like to try it here. The amendment includes reasonable controls and procedures for the management of goats on public property. **(Donaldson)**

#7 Amendment to the Knoxville Zoning Ordinance Re: the addition of nursing homes as a use permitted on review in certain residential districts (5-B-10-OA) Staff Recommendation: **APPROVE**. Adding nursing homes to the RP-1, RP-2 and RP-3 zones will result in the possibility that an individual could live their entire lives in one residential development. The planned residential zones will thus permit a full range of residential choices and housing types that can be developed in one community. With proper planning and site design, all the uses in these planned zones are deemed compatible with one another. **(Kelly)**

- **Concept Plans**

#12 Buffat Mill Estates (4-SA-10-C/4-B-10-UR) Staff Recommendation: **APPROVE, with conditions**. This is a request for the approval of a 241 lot subdivision of property zoned RP-1 @ up to 6 dus/ac. The proposed development density of 3.23 du/ac is well below the approve density for the property. With the conditions noted for the concept plan and the use on review, the request meets all requirements for approval. There is neighborhood opposition to this request, as proposed. **(Kelly)**

- **Final Plats**

#29 J.C. & E.V. Hobbs Resub of Lot10 (5-SK-10-F) Staff Recommendation: **DENY**. The staff has recommended postponement, because of the recommended denial of a

variance to reduce the required right-of-way, from 44 ft. to 25 ft. The applicant has not shown sufficient justification based on a hardship. **(Brechko)**

- **Rezoning**

#42 Ronald and Verna Stout (5-A-10-SP/5-A-10-RZ) Staff Recommendation:

APPROVE LDR designation and RA zoning (applicant has requested MDR and RB).

The recommendation is more appropriate for this site than MDR, given the fact that other properties facing Old Maynardville Pike are also shown for LDR uses. Multi-family dwellings should not be permitted on this lot under the requested RB zone, which does not require site plan review. The RA zone is consistent with the applicant's proposed use.

(Brusseau)

#45 Clear Springs Baptist Church (5-E-10-RZ) Staff Recommendation: **DENY.** This

request for Agricultural zoning should be denied and the current PR zoning should be maintained, so that the ability to review a site plan for the proposed church project is not lost. The property is located at the commercial node that has developed and continues to develop around the intersection of E. Emory Road/Tazewell Pike. Among other things, the site plan review allowed under PR zoning will ensure a thorough review of proposals for traffic circulation relative to a very busy and sometimes congested intersection and other non-residential uses in the area. **(Brusseau)**

#47 Stephen C. Walling, Trustee (5-G-10-RZ Revised) Staff Recommendation:

APPROVE PC zoning, with conditions (applicant requested OB). The proposed use for the subject property is for office, hospitality and retail, as allowed under the OB zone. The original request was for PC zoning and included a plan amendment for Commercial uses. The plan amendment was withdrawn, and the rezoning request was revised to OB office zoning. Any use of the property should be approved under planned zoning to allow for adequate review of site plans and how those plans address the site's slope constraints, as well as other develop concerns related to the development of the property. Moderate and steep topography cover approximately 65% of the property, which can be problematic if the property is developed with intense non-residential uses. The conditions of the recommended approval of PC will allow OB uses only and require the approval of a site plan prior to any grading of the property. **(Brusseau)**

**AUTOMATIC
POSTPONEMENTS, WITHDRAWALS
May 13, 2010 MPC Meeting**

Automatic Postponements are provided for in Article XII, Section 1.B of MPC's Administrative Rules and Procedures, which allows for one automatic postponement when the request is received by 3:30 p.m. on the Monday prior to the Thursday MPC meeting.

AUTOMATIC POSTPONEMENTS (Indicated with an underlined **P**) postponed until the June 10, 2010 MPC meeting with no vote required:

- | | | |
|---------------------|--|------------------|
| <u>P</u> 20. | <u>SIDNEY M. CAMERON PROPERTY RESUBDIVISION OF TRACT 3</u>
West side of Whirlwind Way, south of Mascot Rd., Commission District 8. | 5-SB-10-F |
| <u>P</u> 38. | <u>DIXIE HIGHWAY ADDITION RESUBDIVISION OF LOT 1R</u>
At the intersection of Kingston Pike and Ben Atchley St., Council District 2. | 5-ST-10-F |
| <u>P</u> 48. | <u>LAUREL INVESTMENTS, LLC</u>
Southwest side Choto Rd., southeast side S. Northshore Dr., Commission District 5.
a. Southwest County Sector Plan Amendment
From LDR (Low Density Residential) to NC (Neighborhood Commercial). | 5-E-10-SP |
| <u>P</u> | b. Rezoning
From A (Agricultural) to CN (Neighborhood Commercial). | 5-H-10-RZ |
| <u>P</u> 52. | <u>HELPING HANDS DAYCARE CENTER</u>
South side of Office Park Cir., west side of Lakebrook Bv. Proposed use: Child day care center in O-1 (Office, Medical, and Related Services) District. Council District 3. | 5-A-10-UR |
| <u>P</u> 60. | Consideration of Proposed MPC Budget FY 2010-2011. | 5-B-10-OB |

AUTOMATIC WITHDRAWALS (Indicated with an underlined **W** with no vote required)

- | | | |
|---------------------|--|------------------|
| <u>W</u> 17. | <u>MILLERTOWN CENTER</u>
North of I-640, south of Loves Creek Road, Council District 4. | 3-SL-10-F |
| <u>W</u> 25. | <u>LOCKETT ADDITION RESUBDIVISION OF LOTS 2-5 & P/O 13</u>
East side of Lockett Rd. and North Albunda Dr., Council District 2. | 5-SG-10-F |
| <u>W</u> 27. | <u>JAMES R GUTHRIE PROPERTY</u>
North side of long Hollow Rd., west of Shade Weaver Rd., Commission District 7. | 5-SI-10-F |

possibly a right in or right out. Traffic study would be needed to know for sure.

EWART AND CLANCY AMENDED THEIR MOTION TO APPROVE LIGHT INDUSTRIAL ZONING SUBJECT TO THE CONDITION OF CONDUCTING A TRAFFIC STUDY.

Upon roll call the Commission voted as follows:

Bailey	No
Benefield	No
Carey	Yes
Clancy	Yes
Cole	No
Ewart	Yes
Johnson	Yes
Kane	No
Kelly	No
Lobetti	Yes
Longmire	No
Sharp	Yes
Stowers	Yes

MOTION CARRIED 7-6. LIGHT INDUSTRIAL SUBJECT TO ONE CONDITION APPROVED.

35. BETTY DEVAULT

Southeast side Cedar Ln., northeast side Heins Rd., Council District 5.

a. One Year Plan Amendment

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

4-B-10-PA

STAFF RECOMMENDATION: Deny MDR (Medium Density Residential)

Mr. Michael Brusseau presented the staff report and rational behind denial. Randall DeVault, 1713 West Chermont Circle, on behalf of the applicant, and June Jones, 1305 Cedar Lane spoke in support of the request. In opposition were Brent Starling, 5211 Heins Road, who submitted a petition with 56 signatures in opposition; about 20 people who stood in the audience; Charlotte Davis, Fountain City Towne Hall; David Debuty, 1510 Cedar Lane; Michael Gizland, 1505 Fair Drive. David McGinley, City Engineering, stated he was not familiar with the problem and that they will look at drainage problems during the development process. Commissioners Cole, Kane, Carey, and Ewart spoke on this request.

After discussion with the Commission, the Acting Chair determined it was appropriate to consider the rezoning first.

MOTION (LONGMIRE) AND SECOND (BAILEY) WERE MADE TO POSTPONE SO THE APPLICANT COULD GET WITH THE

NEIGHBORHOOD. MOTION CARRIED 9-4. POSTPONED 30 DAYS UNTIL THE MAY 13, 2010 MPC MEETING.

b. North City Sector Plan Amendment

4-C-10-SP

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

STAFF RECOMMENDATION: Deny MDR (Medium Density Residential)

MOTION (LONGMIRE) AND SECOND (BAILEY) WERE MADE TO POSTPONE SO THE APPLICANT COULD GET WITH THE NEIGHBORHOOD. MOTION CARRIED 9-4. POSTPONED 30 DAYS UNTIL THE MAY 13, 2010 MPC MEETING.

c. Rezoning

4-D-10-RZ

From R-1 (Low Density Residential) to R-2 (General Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) at a density up to 5.99 du/ac.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE RP-1 (PLANNED RESIDENTIAL). MOTION FAILED 4-9.

MOTION (LONGMIRE) AND SECOND (BAILEY) WERE MADE TO POSTPONE SO THE APPLICANT COULD GET WITH THE NEIGHBORHOOD. MOTION CARRIED 9-4. POSTPONED 30 DAYS UNTIL THE MAY 13, 2010 MPC MEETING.

Acting Chair Benefield encouraged the parties to get together before the next meeting.

COMMISSIONER STAN JOHNSON LEFT THE MEETING AT THIS TIME.

* **36. R. SCOTT CARPENTER / 846 NORTH CENTRAL LLC**

Northeast side N. Central St., northwest side Fulton Pl., west side Irwin St., Council District 4.

a. One Year Plan Amendment

4-C-10-PA

From GC (General Commercial) to CBD (Central Business District).

STAFF RECOMMENDATION: Approve CBD (Central Business).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

4-E-10-RZ

From C-3 (General Commercial) to C-2 (Central Business District).

STAFF RECOMMENDATION: Approve C-2 (k) (Central Business) subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

From: "Burridge, Sarah" <sburridge@carlsonwagonlit.com>
To: <mark.donaldson@knoxmpc.org>
Date: 5/6/2010 3:48:44 PM
Subject: About MPC 13May consideration of Buffat Mill Estates - Clayton Bank & Trust

Dear Mr. Donaldson -

I am writing to you about the proposed development of the land directly behind my home - a development which will come before the MPC at the May 13 meeting -

12. BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

a. Concept Subdivision Plan 4-SA-10-C

South side of Buffat Mill Rd., north side of McIntyre Rd., Council

District 4.

b. Use On Review 4-B-10-UR

Proposed use: Detached dwellings in RP-1 (Planned Residential)

District.

I am asking for your help in securing some compromise from the developer to help us maintain our quality of life in our neighborhood - a neighborhood I consider to be a lovely, small jewel.

This development proposes to put 243 homes on that land - a density of single family homes that is unlike anything else in this area. They propose to have the majority of lots with a width of just 49 to 52 feet, and are only requiring a side set back of 5 feet. Again - there is nothing like this in our area. With just 10 feet between the homes, it will be almost impossible to put in any landscaping, with will result in rows of smaller houses one on top of the other with scarcely a strip of grass between them. This is a development within an older, more rural part of town - not endless rows of retirement "villas" in Florida.

It will also, according to recent Wilbur Smith estimates, place an additional 2,500 car trips per day onto the narrow, rural streets that surround this property. We already have major traffic issues during peak travel times on Loves Creek, Spring Hill, and Buffat Mill. Spring Hill is a very narrow road on a steep hill with a very dangerous intersection at Buffat Mill. Loves Creek traffic backs up at both ends - at Washington Pike and at Rutledge Pike, and is a narrow, winding road limited by its location between the interstate (640), a railroad, and a creek. It is further hampered by an extremely narrow railroad tunnel at the Rutledge Pike intersection. Traffic from this development will spill out on to Buffat Mill and McIntyre - and while Buffat Mill is hardly a major thoroughfare and has dangerous and difficult intersections at both Spring Hill and Loves Creek, McIntyre is a tiny street lined with very modest homes and populated with a good number of children! To put an additional 2,500 cars onto these roads every single day will severely impact every person in this neighborhood - forever.

I am not opposed to developing this property - although I will miss the woods behind my home. But I am opposed to the scale of development, and believe it will be an aberration and detriment to our community if allowed to proceed as currently planned.

Our community, in two separate meetings I have attended with Clayton representatives, has asked Clayton Bank to scale back on the number of homes, and we have asked that basic builders guidelines be attached to the plan prior to being presented to the commission. So far, they have not done so. The banks representatives have provided us with guidelines from another one of their developments, and I believe those guidelines are reasonable. But by not attaching them to this plan, we are being asked to buy a pig in a poke. They have told us they intend to sell of small blocks of lots to different developers and see what the market will bear. Once this plan passes your commission, we will be powerless to stop or amend their development - and they will be free to erect modular homes if they suddenly chose to do so on tiny lots, overwhelming our neighborhood and damaging our property values. This is simply not right.

I ask that you do the right thing and protect both the neighborhood and the developer. Clayton Bank deserves to be able to develop their property - but they do not deserve to overwhelm and harm our community. Please take a hard look at the large number of very small lots, consider the impact of so many homes in such a small area and the traffic impact it will have upon this entire part of town, and ask that they give the

community some basic guarantees in the form of building restrictions that will assure us the development will proceed in a harmonious way within itself and its surroundings.

We are just up the hill from substantial commercial development, but due to the way housing developed in our area, we enjoy an overall peaceful way of life. Please help us preserve our neighborhood - help us secure a reduction in the number of homes and basic guarantees about what will be built on that land. I do not believe we are asking for that much - our neighborhood has supported two other proposed developments of that land that subsequently fell through - as well as stridently opposing others. We are just asking for a more reasonably sized development and basic assurances about what can be built therein.

Please do more than just look at the added tax revenue and instead actually look at municipal planning - "Urban, city, and town planning integrates land use planning <http://en.wikipedia.org/wiki/Land_use_planning> and transportation planning <http://en.wikipedia.org/wiki/Transportation_planning> to improve the built, economic and social environments of communities. "

Thank you for your time and consideration of my point of view.

Sarah Burridge

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