

MPC AGENDA REVIEW MEETING
August 7, 2012
Meeting Agenda

I. **Executive Director's Report**

II. **Review of MPC Items**

- **Ordinance Amendments**

#5 Knox County Code Administration (8-A-12-OA) Staff Recommendation: **APPROVE**. The staff prepared the subject amendments in response to changes proposed by Knox County Code Administration. The revisions, which deal with organization, titles, terminology and format, comprise the first phase of a two-phase process. The second phase will propose more substantive changes than are proposed here and will require public scrutiny and discussion prior to adoption. **(Johnson)**

#6 Metropolitan Planning Commission (8-B-12-OA) Staff Recommendation: **APPROVE**. The Planning Commission initiated this request to bring the city zoning ordinance into compliance with state law regarding membership composition of the Knoxville Historic Zoning Commission. The proposed change would add a member of the Planning Commission as a designated member of the commission. This is required in TCA §13-7-403. **(Graybeal)**

#7 Knox County Commission (8-C-12-OA) Staff Recommendation: **APPROVE**. The Knox County Commission requested that the county zoning ordinance be clarified regarding the mayor's authority to appoint members to the Knox County Historic Zoning Commission. Also included is the change recommended in the city zoning ordinance amendment requiring that the commission's membership also include a sitting member of the Planning Commission. These changes are required in TCA § 13-7-403. **(Graybeal)**

- **Rezoning**

#22 Rebecca Ferguson (8-B-12-RZ) Staff Recommendation: **DENY**. This request for the approval of A, Agricultural zoning to allow the keeping of horses on a 15.88-acre tract should be denied because of the property's location in a developing portion of South Knox County. The property is designated Urban Growth (outside Knoxville city limits) on the Growth Policy Plan and is surrounded by property zoned either RA or RP-1 at 5 dus/acre. Much of this surrounding property is developed. Staff's concerns are based on the fact that the keeping of horses would be incompatible with the surrounding residential uses. **(Johnson)**

#30 Kingston Pike, LLC (8-J-12-RZ) Staff Recommendation: **DENY**. The staff has recommended denial of this request because the further reduction of the H-1 overlay would remove what remains of the integrity of the house as an historic structure. The marketability of the property for commercial or office use would be reduced because it would allow encroachment of adjacent commercial development to within 8 ft. of the house. It would also reduce the available land for required, on-site parking. There is neighborhood opposition to this request. **(Graybeal)**

- **Uses on Review**

#33 The Restoration House Village – Mr. Billy Fulghum (8-B-12-UR) Staff Recommendation: **APPROVE, with conditions**. This request for the approval of 24 attached units on 4.26 acres. The staff has added two conditions that would provide a better transitional area along the northern property line and protection for residential uses to the north. Condition 3 calls for the parking area

and drive aisle for Building 4 to be moved out of the 25 ft. peripheral setback, and Condition 6 calls for additional landscaping along the northern property line. There is some neighborhood interest in this request. **(Brechko)**

#35 3G Studios (8-D-12-UR) Staff Recommendation: **APPROVE, with conditions.** The staff has recommended approval of this request for office/retail space on TC-1 zoned property, which is part of the overall town center development at Northshore and Pellissippi Parkway. One of the conditions would require that a sidewalk be installed along Thunderhead Road, in keeping with the previously approved development plan for the property, and the concept of town center zoning as being a pedestrian-friendly zone. This site is designated as being a part of the town center “core area.” The previously approved concept plan envisioned a sidewalk system that would serve this development and provide linkages to other nearby existing and proposed development, including restaurants and other retail services, as well as residential uses in the town center. One of the purposes of the TC-1 zone is to promote more pedestrian access and reduce reliance on the automobile within the overall town center development. **(Kelly)**

**AUTOMATIC
POSTPONEMENTS, WITHDRAWALS
August 9, 2012 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 until the September 13, 2012 MPC meeting (Indicated with **P**):

- P** 11. **METROPOLITAN PLANNING COMMISSION** **8-A-12-SP**
South County Sector Plan Update. Commission Districts 8 & 9.
Council District 1.
- P** 18. **WESTLAND MANOR RESUBDIVISION OF LOTS 3 & 4** **8-SG-12-F**
West side of Gothic Manor Way, southeast of Westland
Drive, Commission District 5.

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



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: Rezoning Request

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org>

Mon, Aug 6, 2012 at 8:07 AM

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>

----- Forwarded message -----

From: **Qi Lin** <linqi_ling@hotmail.com>

Date: Sat, Aug 4, 2012 at 12:54 AM

Subject: Rezoning Request

To: terry.douglass@provisionhp.com, anders@holstongases.com, ubailey65@gmail.com, bartcarey@comcast.net, artclancy3@gmail.com, cole5137@bellsouth.net, gewart@georgeewart.com, s.johnson692@gmail.com, makane1@bellsouth.net, nathan.j.kelly@gmail.com, rebeccalongmire@hotmail.com, brianpierce@mbiarch.com, jwroth@qmwkx.com, wstowers@stowerscat.com, mark.donaldson@knoxmpc.org

Metropolitan Planning Commission Executive Director and Commissioners,

My wife and I moved to Northshore Town Center in 2007. We love this safe, quiet and beautiful subdivision, and our children enjoy riding bicycle in the subdivision and playing balls in the common area. However, Northshore Town Center re-zoning plan will bring serious transportation and safety issues that jeopardize and significantly limit our children's outdoor activities. We totally agree with the concerns mentioned by Deborah Stevens, who has written a letter to the MPC Executive Director and expressed well all the reasons for which we are also opposed. Again, my family is strongly against Northshore Town Center re-zoning plan for building any apartments.

We urge you to not approve any re-zoning requests for Northshore Town Center. We do appreciate your consideration of our opposition.

Sincerely,

Zhiming Gao and Qi Lin



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: NTC rezoning request

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org>

Mon, Aug 6, 2012 at 8:07 AM

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>

----- Forwarded message -----

From: <libanne@aol.com>

Date: Sat, Aug 4, 2012 at 12:17 PM

Subject: NTC rezoning request

To: mark.donaldson@knoxmpc.org, mike.carberry@knoxmpc.org, buz.johnson@knoxmpc.org, dan.kelly@knoxmpc.org, ubailey65@gmail.com, bartcarey@comcast.net, anders@holstongases.com, cole5137@bellsouth.net, gewart@georgeewart.com, s.johnson692@gmail.com, makane1@bellsouth.net, Nathan.J.Kelly@gmail.com, rebeccalongmire@hotmail.com, brianpierce@mbiarch.com, jwroth@qmwkx.com, wstowers@stowerscat.com

Cc: "Sarah Stevens smorga13"@gmail.com, "stephaniecrichon stephaniecrichon"@hotmail.com, "ismck1020 ismck1020"@gmail.com, "mbutler mbutler"@cockrilldp.com, "karacsmith22 karacsmith22"@gmail.com, "bettymrobinson1 bettymrobinson1"@gmail.com, "templeannnd templeannnd"@gmail.com, "mhammett mhammett"@memphis.edu, "Linqi_ling Linqi_ling"@hotmail.com, rosanndouglass@aol.com, april@efficiency.us, marquita@coldwellbanker.com

Dear Metropolitan Planning Commission Executive Director and Commissioners,

I purchased my home at 9539 Clingmans Dome Drive in Northshore Town Center in 2005.

As a single woman (widowed in 2004), moving alone to a new city, the concept of a "Live, Work, Play" development complete with walking trails, parks, and community pool was very attractive to me. It would be an opportunity to have neighbors who were all "new" to each other - a great way to make new friends moving into a new city. That part has more than exceeded my expectations. I found wonderful, caring friends and neighbors.

The promise of green space, walking trails, community pool, well kept grounds, and working street lights is another story....

Obviously, the recession beginning soon after I purchased the property halted the "village" that I had envisioned (based on similar developments in other cities) going in. I am pleased there is progress even though it is certainly not the quaint, inviting village that I had hoped for.

While as a whole we are pleased to have the new elementary school as our neighbor, the construction of that and the commercial property has proven to be a nightmare, with trucks barreling up and down Thunderhead Drive, making walks impossible, driving treacherous, and damaging our streets.

Now, as we hope to see the end in sight, we are blind-sighted by a rezoning request. I respectfully request that this request be denied and that the integrity of the original vision of Northshore Town Center be salvaged as much as possible.

I am attaching a letter from my neighbor, Deborah Stevens, which expresses my views much more clearly than I.

Anne Julian

▶ **FILE #:** 8-J-12-RZ

AGENDA ITEM #: 30

AGENDA DATE: 8/9/2012

▶ **APPLICANT:** KINGSTON PIKE, LLC

OWNER(S): Kingston Pike, LLC

TAX ID NUMBER: 132 PT OF 02709 & 02710 MAP ON FILE AT MPC

JURISDICTION: City Council District 2

▶ **LOCATION:** South side Kingston Pike, west of Moss Grove Blvd.

▶ **APPX. SIZE OF TRACT:** 0.35 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Kingston Pike, a major arterial street with 4 lanes and a center turn lane within 95' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Sinking Creek and Ten Mile Creek

▶ **PRESENT ZONING:** PC-1 (Retail and Office Park) / H-1 (Historic Overlay)

▶ **ZONING REQUESTED:** PC-1 (Retail and Office Park)

▶ **EXISTING LAND USE:** Vacant residence

▶ **PROPOSED USE:** Residence, office or commercial

EXTENSION OF ZONE: Yes, extension of PC-1 from the east

HISTORY OF ZONING: H-1 overlay area was previously reduced in 2011 (2-E-11-RZ).

SURROUNDING LAND USE AND ZONING: North: Kingston Pike - Retail businesses / SC-3 (Regional Shopping Center)

South: Vacant land under development / PC-1 (Retail & Office Park) with conditions

East: Vacant land under development / PC-1 (Retail & Office Park) with conditions

West: Historic residence / PC-1 (Retail & Office Park) / H-1 (Historical Overlay)

NEIGHBORHOOD CONTEXT: This site is within the 100 acre plus Sherrill property, which is currently being developed under conditioned PC-1, O-1 and RP-1 zoning. To the north is regional commercial development including Home Depot, zoned SC-3. To the west is residential development.

STAFF RECOMMENDATION:

▶ **DENY the reduction of the H-1 (Historical Overlay) on the subject property.**

The further reduction of this lot and the H-1 overlay on it is not warranted. If approved, it would make the lot size for the historic residential structure even smaller and less desirable and marketable for reuse, because it would allow adjacent commercial development to encroach to within 8 feet of the house. It also significantly reduces the area that would be available for required parking, if the house were to be reused for office or commercial use. A proposed site plan is attached, showing the current and proposed lot lines and H-1 boundary, the detention basin location and the location of the proposed commercial structures to the east. The

previously approved PC-1 zoning for the overall site included a condition that an H-1 overlay must be placed over the historic structure, and the lot size/H-1 overlay should not be further reduced.

COMMENTS:

This request is proposed to align the zoning line with the proposed new lot line between the historic structure to the west and future commercial development to the east. It would remove the H-1 overlay from the proposed sliver of land to the north and east of the historic structure. An administrative plat (6-E-12) has been filed with MPC to reduce the lot size for parcel 027.09, on which the historic structure is located. As of the date of this report, this plat is being reviewed and has not been recorded. The H-1 overlay area was previously reduced in 2011 (2-E-11-RZ). The historic house is currently unoccupied and has not been adequately maintained by the current owner.

The HZC (Historic Zoning Commission) is also required to consider this proposal. It is scheduled to be heard by HZC on August 16, 2012. MPC has the option to postpone a decision on this proposal until after HZC has considered it. HZC likely has a better understanding of the H-1 (Historic Overlay) issues surrounding the structure on the property. If postponed 30 days, this proposal would be placed on the September 13, 2012 MPC agenda, after being considered by HZC.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The proposed, further reduction of the protective H-1 overlay will allow inappropriate encroachment of adjacent commercial uses to within a distance of 8 feet away from the historic house on site.
2. Approval of this request will allow the rear, utility side of commercial buildings to be located in very close proximity to the historic house, potentially making the lot and house less desirable for future reuse.
3. A large portion of the area between the house and Kingston Pike is now in use as a detention basin for the adjacent commercial development. Reduction of the lot size will significantly reduce the area available for required parking, if the house were to be reused for commercial or office use. As of the date of this report, the applicant has not presented any plans that show how a shared parking arrangement with the adjacent commercial parking area might function.
4. This request is proposed to align the zoning boundary and the proposed parcel boundary between the residential use to the west and future commercial development on the subject property and to the east. It would remove the H-1 overlay from this sliver of land. Staff recommends denial, but if MPC were to consider approval, staff recommends retaining the same conditions of the PC-1 zoning that were approved in 2007 (8-F 07-RZ). MPC approval conditions for the overall development were as follows:

The PC-1 is subject to: 1) a transitional office area a minimum of 100' wide, including 20' of undisturbed area, adjacent to the residentially zoned project boundary, as depicted on the attached Land Conservation and Development Diagram; 2) providing at least 2 points of access to Kingston Pike; 3) preserving the Sherrill House under an H-1 (Historic Overlay) District; and 4) providing a pedestrian and bicycle access to surrounding development, and vehicle access to the adjacent SC zone.

City Council revised the conditions to require 75 feet building setbacks and 50 feet undisturbed areas along periphery, an RP-1 density of up to 9 du/ac, and no two story buildings within 100 feet from boundary in O-1.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The PC-1 (Retail & Office Park) zoning district is established to provide for the unified development of uses ranging from retail stores and services such as are found in neighborhood shopping centers and community shopping centers to businesses and professional offices. In the interest of promoting orderly design and development, the district regulations emphasize rational placement of activities, traffic and pedestrian circulation, access and parking, loading, landscaping and the mitigation of adverse off-site impacts.
2. Based on the above general intent, this area is appropriate for PC-1 zoning, but the H-1 overlay needs to be maintained to protect the context of the historic structure on site.
3. The H-1 (Historical Overlay) is intended to preserve and protect historic structures and areas which serve as visual reminders of the history and cultural heritage of the City of Knoxville, State of Tennessee and the United States of America. This district is also intended to assist in stabilizing and improving property values in historic areas by encouraging rehabilitation or new construction harmonious with the historic area. Through this district, historic structures and areas of sufficient historical or architectural significance are designated for public protection. It is the intent of this district to regulate the construction, repair, alteration, rehabilitation, relocation or demolition of any building or other structure which is located or proposed to be located in an H-1 overlay district, This district is not intended, however, to regulate the use of land, buildings or structures.
4. The H-1 overlay must include an adequate yard to provide the proper context for the historic structure and

to allow adequate buffering from adjacent uses, especially non-residential ones.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. The proposal will have no impact on schools. The impact on the street system will depend on the type of development proposed, but the site has frontage on and indirect access to a major arterial street.
2. The PC-1 zone requires MPC review of a site plan prior to development. This will be required if the commercial development is proposed to be extended to the west toward the house beyond what has been previously approved. The site plan will need to show all aspects of the proposal that have not been approved or are not consistent with previously approved plans. As part of this review, staff will expect that some buffering/screening will be provided along the western property line of parcel 27.10. This will minimize the impact on any possible future users of the still H-1 protected Sherrill house directly to the west.
3. The further reduction of the lot and H-1 overlay area will allow further encroachment of commercial uses closer to the historic house, making it less desirable for future reuse. If approved, the proposed rezoning will have a negative impact on the future marketability of the house.
4. Water and sewer utilities are in place to serve this site.

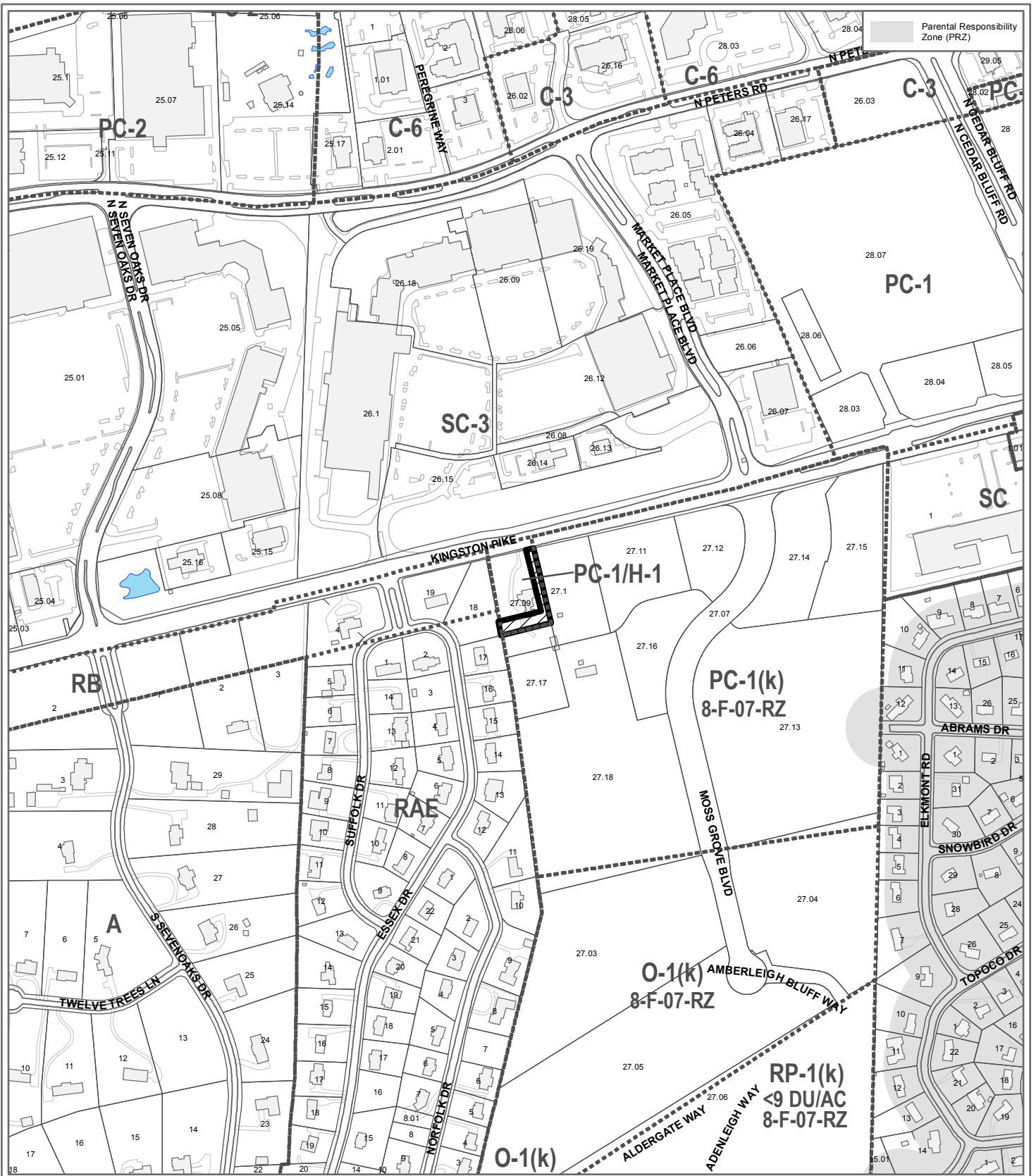
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Southwest County Sector Plan designates the area containing this site as a mixed use special district, eligible for PC-1 zoning.
2. The City of Knoxville One Year Plan designates the site for general commercial uses, consistent with the request.
3. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 9/4/2012 and 9/18/2012. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.

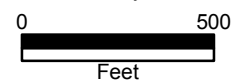


**8-J-12-RZ
REZONING**

From: PC-1 (Retail and Office Park) / H-1 (Historic Overlay)
To: PC-1 (Retail and Office Park)

Petitioner: Kingston Pike, LLC

Map No: 132
Jurisdiction: City



Original Print Date: 7/17/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

▶ **FILE #:** 8-B-12-UR

AGENDA ITEM #: 33

AGENDA DATE: 8/9/2012

▶ **APPLICANT:** THE RESTORATION HOUSE VILLAGE - MR. BILLY FULGHUM

OWNER(S): The Restoration House of East Tennessee

TAX ID NUMBER: 106 011, 01101, 01501 & 01502

JURISDICTION: City Council District 3

▶ **LOCATION:** North side of Robinson Rd., east of Bakertown Rd.

▶ **APPX. SIZE OF TRACT:** 5.63 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Robinson Rd., a minor collector street with 20' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **ZONING:** RP-1 (Planned Residential)

▶ **EXISTING LAND USE:** Residences and vacant land

▶ **PROPOSED USE:** Multi-dwelling development

4.26 du/ac

HISTORY OF ZONING: Property rezoned to RP-1 (Planned Residential) at a density of up to 5.9 du/ac by Knoxville City Council on July 24, 2012.

SURROUNDING LAND USE AND ZONING: North: Residences / A-1 (General Agricultural)

South: Residences / RP-1 (Planned Residential) & A-1 (General Agricultural)

East: Residences / R-1A (Low Density Residential)

West: Cemetery and residences / A-1 (General Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with low to medium density, attached and detached residential development under R-1, R-1A, A, A-1 and RP-1 zoning.

STAFF RECOMMENDATION:

▶ **APPROVE the development plan for up to 24 attached residential units, subject to the following 10 conditions:**

1. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Department.
2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knoxville (Ord. O-280-90).
3. Revising the development plan by shifting the parking and drive aisle (in front of Building 4) out of the 25' peripheral setback along the northern property boundary. This will help protect the existing vegetation along that property line and allow for additional landscaping in that area. A revised development plan shall be submitted to Planning Commission Staff for approval.

4. Meeting all applicable requirements of the Knoxville Department of Engineering.
5. The gated entrance is subject to approval by the Knoxville Fire Marshal.
6. Revising the landscape plan to include the additional landscaping along the northern property boundary and submitting the revised plan to Planning Commission Staff for approval.
7. Installation of landscaping as shown on the revised landscape plan within six months of the issuance of the first occupancy permit. The proposed landscape materials shall not interfere with the required sight triangles and required sight distances at driveway and street intersections. Trees shall not be located within or on the berm of the detention basin.
8. Meeting all applicable requirements of the Knoxville City Arborist.
9. A plat shall be submitted for approval and recording that combines the property into a single lot.
10. Meeting all applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the RP-1 District and the other criteria for approval of a use on review.

COMMENTS:

The applicant is proposing to develop 24 attached dwelling units on a 5.63 acre tract at a density of 4.26 du/ac. The Planning Commission considered the rezoning request for this property on June 14, 2012 and recommended approval of the change from A-1 (General Agricultural) to RP-1 (Planned Residential) at a density of up to 5.9 du/ac. Knoxville City Council approved the rezoning request on second reading on July 24 2012.

Access to the site is from Robinson Rd., a minor collector street. A gated entrance is proposed for the property. The proposed development will include four six unit buildings. The buildings are all single story.

The proposed development is a part of Restoration House of East Tennessee, an organization that provides housing for single mothers and their children. The site is laid out to provide family gathering areas between the units and amenities include recreational areas, garden areas and a clubhouse. The office for The Restoration House of East Tennessee is located off site and this approval does not allow the office to locate to this site.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed development will have minimal impact on local services since all utilities are available to serve this site.
2. The proposed low density residential development is compatible with the scale and intensity of the surrounding development and zoning pattern, which includes attached residential development to the south, also zoned RP-1.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposed attached residential development meets the standards for development within a RP-1 (Planned Residential) Zone and all other requirements of the Zoning Ordinance.
2. The proposed development is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw significant traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan and One Year Plan propose low density residential uses for this property. At a density of 4.26 du/ac, the proposed development is consistent with the approved RP-1 zoning and the Sector and One Year Plan.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT 265 (average daily vehicle trips)

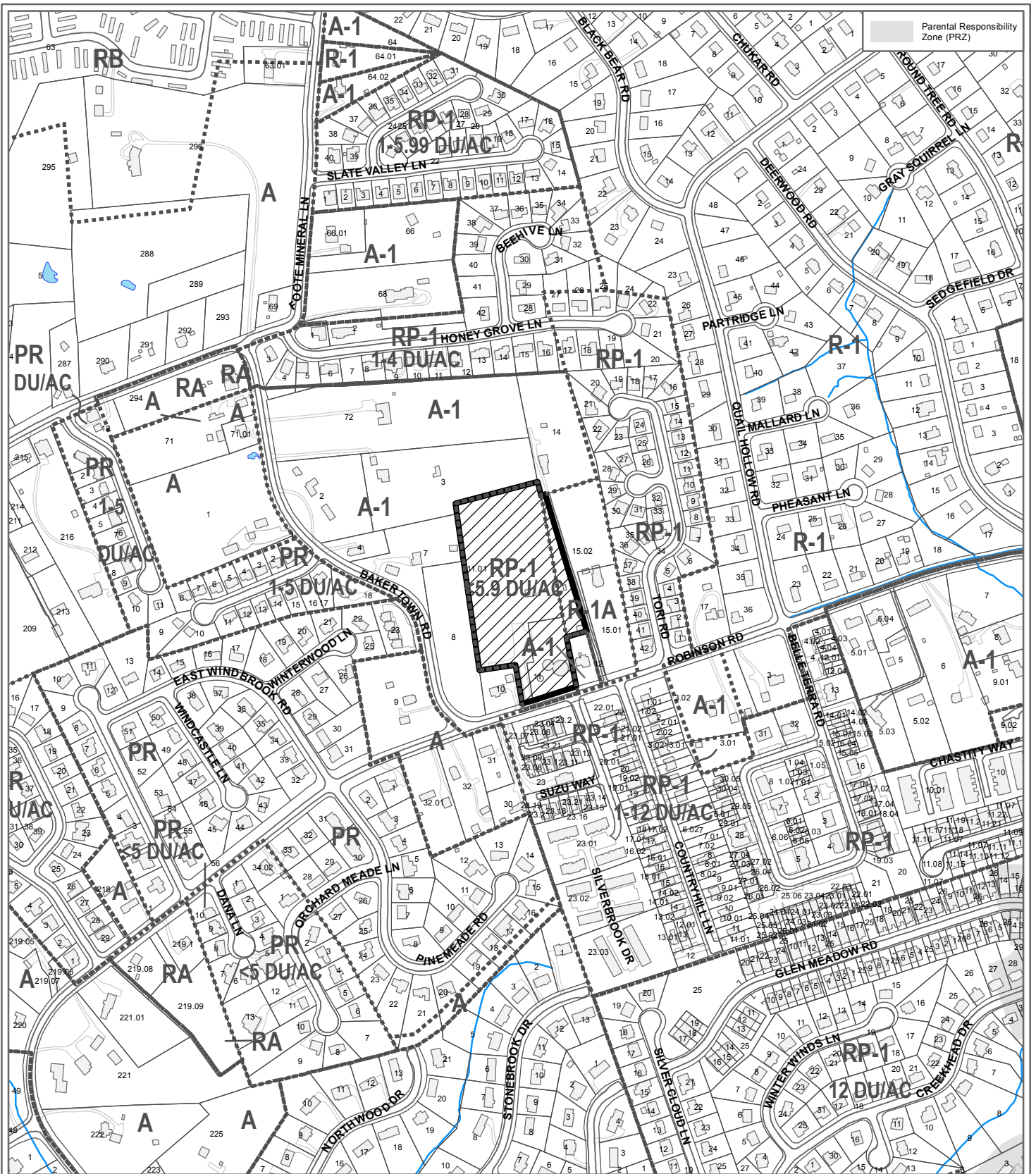
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 4 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns High.

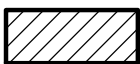
- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**8-B-12-UR
USE ON REVIEW**

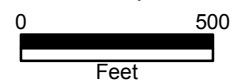
Petitioner: Mr. Billy Fulghum
Undefined



Multi-dwelling development in R-1A (Low Density Residential) and RP-1 pending

Map No: 106
Jurisdiction: City

Original Print Date: 7/17/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



▶ **FILE #:** 8-J-12-UR

AGENDA ITEM #: 41

AGENDA DATE: 8/9/2012

▶ **APPLICANT:** U. S. CELLULAR CORPORATION

OWNER(S): John Locascio

TAX ID NUMBER: 38 108

JURISDICTION: County Commission District 7

▶ **LOCATION:** Northeast side of Andersonville Pike., south side of E. Emory Rd., northwest side of Maynardville Pike.

▶ **APPX. SIZE OF TRACT:** 3 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Andersonville Pike., a major collector street with a 18' pavement width within a 55' right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **ZONING:** CA (General Business)

▶ **EXISTING LAND USE:** Church

▶ **PROPOSED USE:** 170' Monopole Telecommunications Tower

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Church and school / A (Agricultural)

South: Mixed businesses / CA (General Business)

East: Mixed businesses / CA (General Business)

West: Shopping center / SC (Shopping Center)

NEIGHBORHOOD CONTEXT: The site is located in a commercial corridor area that includes a mix of commercial businesses and institutional uses.

STAFF RECOMMENDATION:

▶ **APPROVE the request for a 170' monopole telecommunications tower in the A zoning district and a waiver of the landscaping requirements around the tower enclosure, subject to 5 conditions.**

1. Submitting revised development plans to Planning Commission staff reflecting the change from a 195' monopole tower to a 170' monopole tower.
2. Meeting all applicable requirements of the Knox County Zoning Ordinance.
3. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
4. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
5. At the time of the request for a building permit, posting a bond or other approved financial surety that would ensure the removal of the tower if it is abandoned.

With the conditions noted above, this request meets all criteria for a use-on-review in the A zoning district.

COMMENTS:

This is a request for a new 170 foot monopole telecommunications tower to be located within an 800 square foot lease area located on a portion of the parking lot for Beaver Dam Baptist Church. The applicant had originally requested approval of a 195 foot monopole tower but revised the request on August 3, 2012 (see attached letter from Kramer Rayson LLP). The subject property is zoned A (Agricultural) and telecommunication towers are considered as a use on review in this district. The proposed tower site will have access to Andersonville Pike through the parking lot and access drive for the church.

The proposed tower is required to be located 187 feet (110% of the tower height) from the nearest residence. The proposed tower far exceeds that minimum standard since the nearest residence is over 700' from the proposed tower. The applicant is proposing a 6' high security fence topped with three strands of barbed wire around the tower and equipment area. Due to the height of the tower, FAA does not require lighting for the tower.

The applicant is requesting a waiver of the landscaping requirements around the tower enclosure due to existing site conditions (parking lot layout and detention facilities) that restrict compliance. The applicant is proposing to attach a wood privacy screen onto the security fencing around the enclosure. Staff is recommending approval of the waiver.

The applicant states that there are no existing structures in the area that can be used for antenna placement to obtain the required coverage. The tower will support up to 3 telecommunication carrier antenna arrays. The monopole tower is designed to utilize close mount antenna arrays. U. S. Cellular Corporation will be the principal user for the tower. An agreement has been submitted stating that U. S. Cellular Corporation agrees to make all of its facilities available to other wireless providers.

Attached to the staff report are several support documents, including a report from MPC's tower consultant, Mr. Larry E. Perry. Mr. Perry's report describes the proposal and highlights his findings. Mr. Perry concludes that the proposed tower is technically justified by the materials submitted by the applicant (see attached report). Mr. Perry has recommended that the applicant design the tower to hold up to 5 antenna arrays (3 are proposed) and consider a shorter structure. Staff has discussed these issues with the applicant. The limited lease area for the site restricts the area available for ground equipment and limits the maximum number of antenna arrays to three. In response to Mr. Perry's recommendation, the applicant reevaluated the use of a shorter tower at this site and are now amending their application to reduce the tower height to 170'.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed development will have minimal impact on local services since the required utilities are available to serve this site.
2. The proposed tower will not negatively impact surrounding properties since it is located within a commercial corridor area.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposed commercial telecommunications tower at this location meets the standards required in the A (Agricultural) zoning district.
2. The proposed tower is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan, North County Sector Plan and Wireless Communications Facility Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. Since this site is in a commercial corridor, the use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North County Sector Plan proposes public/institutional uses on this property. With the minimal site alteration required for the proposed tower, the proposed development is consistent with this land designation.
2. Under the guidelines for tower placement in the Wireless Communications Facility Plan, this proposed tower would be considered a tall monopole. The tower falls within the "Opportunity Area" of the Land

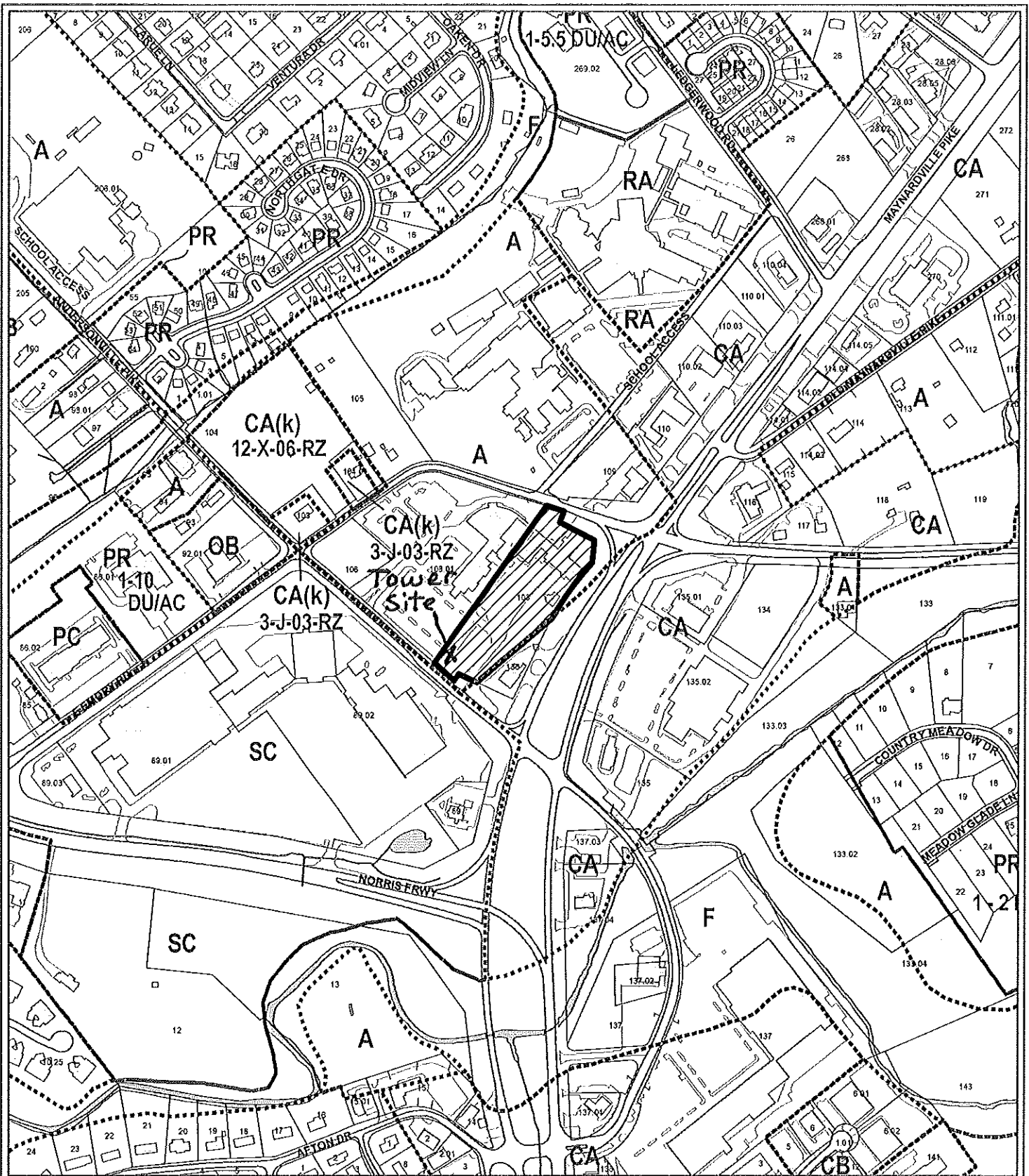
Use/Wireless Facilities Matrix since the proposed tower site is located in an "office/commercial corridor". The Plan takes a neutral position on tall monopoles located in an "office/commercial corridor".

3. The site is located within the Planned growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



8-J-12-UR
 USE ON REVIEW

Petitioner: U. S. Cellular Corporation



195' Monopole Telecommunications Tower in A (Agricultural)

Original Print Date: 7/17/2012 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Map No: 38

Jurisdiction: County



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August 3, 2012

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ANDREW JOHNSON (1918-1985)
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VIA HAND-DELIVERY

Mr. Tom Brechko
Metropolitan Planning Commission
City-County Building, Suite 403
400 Main Avenue
Knoxville, TN 37902

**Re: U.S. Cellular Corporation
Use-On-Review Application No. 8-J-12-UR
Bonta Vista – Site No. 223526**

Dear Mr. Brechko:

Pursuant to our telephone conversation this morning, this letter will confirm that U.S. Cellular Corporation wishes to amend its pending Use-On-Review Application No. 8-J-12-UR, which is scheduled to be heard on Thursday, August 9, 2012. Such Use-On-Review Application requests approval of a cellular communications monopole at 4328 E. Emory Road in Knox County, Tennessee.

As you are aware, U.S. Cellular Corporation's initial filing for the Bonta Vista site requested approval for a monopole 195 feet in height. It is my understanding that Mr. Larry Perry, MPC's telecommunications consultant, has reviewed U.S. Cellular Corporation's Bonta Vista Application and has recommended that it be approved. However, I also understand that Mr. Perry had suggested that U.S. Cellular Corporation consider lowering the monopole's height. U.S. Cellular Corporation strives to address questions that arise during the application process, and in response to Mr. Perry's suggestion, U.S. Cellular Corporation requested its engineers to review the specifications for the Bonta Vista site. Upon such review, U.S. Cellular Corporation's engineers determined that it could still meet its most important capacity needs by reducing the height of the proposed monopole from 195 feet to 170 feet. U.S. Cellular Corporation is pleased

Mr. Tom Brechko
Metropolitan Planning Commission
August 3, 2012
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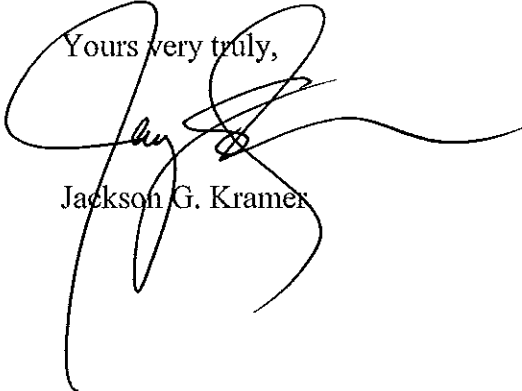
to respond to Mr. Perry's questions in this manner, even though this change will result in the loss of some of the additional capacity originally sought.

Therefore, in summary, U.S. Cellular Corporation wishes to amend its Use-On-Review Application No. 8-J-12-UR by lowering the height of the monopole from 195 feet to 170 feet. U.S. Cellular Corporation will submit revised construction plans to the Metropolitan Planning Commission reflecting these changes as soon as such revised plans are prepared.

Thank you for your assistance in this matter. Please do not hesitate to contact me if you have any questions.

With kind regards, I am

Yours very truly,

A handwritten signature in black ink, appearing to read 'Jackson G. Kramer', is written over the typed name. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Jackson G. Kramer

JGK/tsg

cc: Mr. John Locascio
Mr. Charles Burton