

MINUTES
Agenda Review Meeting
Tuesday, September 10, 2013
City – County Building

The Knoxville/Knox County Metropolitan Planning Commission convened on Tuesday, September 10, 2013, at noon in the Small Assembly Room of the City-County Building, for the monthly Agenda Review Meeting. In attendance were Planning Commissioners Brian Pierce, Jeff Roth, Herb Anders, Art Clancy, Rebecca Longmire, Chair of MPC, Bart Carey, Len Johnson, Janice Tocher and Jack Sharp.

Also in attendance were MPC Executive Director Mark Donaldson, and various MPC staff members.

Mr. Donaldson called the meeting to order at 12:05 o'clock p.m., and reported on the land use activities of the County Commission and the City Council since the last Agenda Review Meeting.

Commissioner Laura Cole and Commissioner Michael Kane joined the meeting at this time.

Mr. Donaldson reminded the Planning Commissioners of a luncheon planned for Friday, September 13, at noon on the 4th floor of the City-County Building for a presentation regarding Walkable Downtowns. He also reminded the Commissioners to respond to Betty Jo Mahan to insure that appropriate accommodations could be provided for those in attendance.

Mr. Donaldson then explained the Staff recommendation for Agenda Item 5 of the September Agenda, and replied to an inquiry from Commissioner Carey about the implications of statutory limitations on the transfer of bulk volumes of beer (growlers).

Commissioner Anders left the meeting at this time.

Mr. Donaldson then explained the Staff recommendation for Agenda Item 6 and upon inquiry from Commissioner Clancy, reported to the Commission about the status of membership of the Review Committee for the Cumberland Avenue District.

Commissioner Anders returned to the meeting at this time.

Ann Wallace, with City of Knoxville Community Development, being the Project Manager for the Cumberland Avenue Project, arose to explain the development of the proposed amendment identified as Agenda Item 6, and advised the Commissioners that the City fully supports adoption of the proposed amendment.

Buz Johnson of MPC Staff then advised the Commission of stop-gap measures

being temporarily imposed for the preservation of packet tabs, while a more thorough analysis of potential solutions to the looming tab shortage is completed.

Michael Brusseau of MPC Staff then explained the Staff recommendation for Agenda Item 28. There followed a lively discussion among Commissioners and Staff as to whether the distinction between: (a) growing a plant in situ, and (b) growing a plant in a pot is material to the definition of nursery as either an agricultural or a commercial activity.

Dan Kelly, of MPC Staff and veteran of potted plant issues, provided the Commissioners with a brief history of the use of the property at issue in Agenda Item 28 and an historic perspective on the evolution of agriculture activities into commercial activities.

Arthur Seymour, attorney for the applicant in Agenda Item 28, rose to advise that if the rezoning was not approved it would put the applicant out of business. Mr. Seymour also advised of the history of the property, and that litigation with the City is currently pending. There followed a discussion among Commissioners and Staff about opportunities to resolve the needs of the applicant short of rezoning the property. Mr. Brusseau reminded the Commissioners of the limitations of the zoning ordinance and Mr. Donaldson reminded Commissioners that any rezoning would require amendment to the Sector Plan, which requires a change of circumstances. There followed additional discussions about the parameters of the zoning ordinance and the options available to Commissioners.

Mr. Brusseau then explained the Staff recommendation for Agenda Item 29. Mr. Johnson advised the Commissioners of the action of the TTCDA on the application before that body. Commissioner Kane inquired as to the density calculation and there followed a discussion on density calculations and the impact of the access to the residential portion of the property by adjoining parcels.

Mr. Donaldson then explained the underlying framework for the analysis of the two applications identified as Agenda Item 31 and Agenda Item 43, which are related.

Mr. Brusseau explained the Staff recommendation for Agenda Item 31, and, in a tag team effort rarely seen in Agenda Review Meetings, Tom Brechko of MPC Staff chimed in with an explanation of the Staff recommendation for Agenda Item 43.

John King, attorney for the Applicant for both Agenda Items 31 and 43, rose to respond to an inquiry about meetings with adjoining property owners. He also discussed the impact of future decisions of TDOT on the improvements to Westland Interchange and the most recent additions to the Staff recommendation, which were made available to him earlier in the day. Mr. King advised that he would be seeking a postponement of both Item 31 and 43 at the Monthly Meeting.

The Applicant, John Huber rose to reaffirm and reinforce the comments of Mr. King regarding the request for postponement.

Wayne Kline, representing unidentified parties interested in Agenda Items 31 and 43, rose to suggest that a postponement of more than 30 days may be needed in order to address all the extant issues.

Mr. Kelly then explained the Staff recommendation for Agenda Item 41. Commissioner Carey asked about the potential for a realignment of the intersection of Tooles Bend Road with Northshore Drive as part of the development, and was advised that a right-of-way of dedication would be required.

There being no further business to come before the Agenda Review Meeting, it was duly adjourned.

This 10th day of September, 2013.

Stephen R. Wise
Recording Secretary