

MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

NOVEMBER 20, 2007

The November meeting of the Loudon County Regional Planning Commission was called to order at 5:30 PM Present were Mr. Harrison, Mr. McEachern, Ms. Cardwell, Ms. Terry, Ms. McNew, Mr. Brown, Mr. Brooks, Mr. Luttrell and Mr. Henderson. Mr. Ghormley and Mr. Parr were absent.

Motion to approve the minutes of the October 16, 2007 meeting was made by Mr. McEachern, Seconded by Ms. Cardwell and approved 9-0.

Agenda Item A: Request consideration of approval of rezoning approximately 2.88 acres of property located at 151 Scenic Hill Lane from A-2, Rural Residential District to C-1, Rural Center District, referenced by Tax Map 2, Parcel 96.00, 5th Legislative District. Owner: Thomas Carlyle [07-09-212-RZ-CO]

Mr. Carlyle was present.

Mr. Newman noted that the item had been postponed from the October meeting where the applicant was requesting C-2. H explained that Mr. Carlyle lives on the property, which would be allowed in the C-1 District. C-2 would allow Mr. Carlyle to do more with the property but would not allow him to continue living there. He would have the option to ask for a variance to have a billboard in a C-1 District if a billboard is the reason he wants to have the property rezoned. The C-1 would allow for his counseling service and also sale of the rock from his land to landscapers as well as mulch sales. He described the property and location for the Board, noting most of the surrounding land is agricultural and there is a subdivision just past this property in Roane County.

Mr. Carlyle noted he is only about 2000' from commercially zoned property that was annexed by Lenoir City. He also noted the speedway property across the interstate from him that has been zoned to commercial in Roane County. He cited his doctor bills for the reason he needs to be able to make some money from his property. He stated he wants help, not sympathy.

Mr. Newman stated that without the billboard, the zoning change does not address what Mr. Carlyle needs.

Mr. Brooks made the motion to approve C-1 on the property, Mr. McEachern seconded and motion was approved 7-2 to allow the property to be rezoned C-1, with Mr. Henderson and Mr. Luttrell voting nay.

Agenda Item B: Request consideration of final plat approval of 5 lot subdivision, Dunn Ridge Park, 5.91 acres of property located at 1031 Phelps Road, referenced by Tax Map 21, Parcel 146.00, Zoned A-2, Rural

Residential District, 6th Legislative District. Applicant: Lakeside Partnership, Walter Lane [07-09-202-SU-CO]

Mr. Lane was not present. Mr. Newman told the Board he had received a request from Mr. Lane late in the afternoon to postpone this item.

Mr. Brown noted that the applicant had requested this item be postponed at the last meeting and he felt this item needed to remain on the agenda. He asked how many people in the audience were there for this item and several raised their hands.

Mr. McEachern stated he felt Mr. Lane knew before this afternoon if he actually did have a conflict.

Mr. Brooks made the motion to deny the plat, Mr. Henderson seconded.

Ms. Diane Cummings stated that she had been the owner of the property, and the sale was currently in litigation. Mr. Lane owes them \$125,000, and they have a lien on the property and a restraining order to prevent him from doing anything with the property. He bought it as a partnership and they have had problems with him, the payments, and the closing.

Mr. Anthony Winters, the resident across the street, stated this would destroy the character of the neighborhood. There will also be a drainage problem if this property is developed, and Mr. Lane has been unwilling to talk to anyone about that problem.

Mr. Ed Ebberly stated he lived in Blackberry Cove, and if the property is divided it could be zoned for trailers.

Mr. Newman stated that mobile homes are already allowed in the area.

Ms. Leslie Galloway cited this being the 2nd time Mr. Lane had postponed. She also is concerned about safety leaving her neighborhood.

Mr. Harrison called for the vote, and vote was 9-0 to deny approval of the plat. Mr. Newman said that Mr. Lane could pay another fee and have the item back on the agenda if he chose to do so.

Agenda Item C: Request consideration of approval of 4 lot subdivision of 4 acres of property located on Bailey's Road, referenced by Tax Map 52, Parcel 88.00, Zoned A-2, Rural Residential District, 3rd Legislative District. Owner: Cory Cable [07-10-242-SU-CO]

Mr. Cable was not present.

Mr. Reynolds described the property and location for the Board, noting that Mr. Cable is cutting four 1 acre lots out of the farm. All four lots meet the minimum standards of the subdivision regulations.

Mr. Brooks made the motion to approve, Mr. Luttrell seconded, and motion was approved 9-0

Agenda Item D: Request consideration of approval of lot frontage variance of 25' (from 75' to 50') on Lot 2R1 and lot frontage variance of 50' (from 75' to 25') for Lot 2R2 on property located at 7850 Morganton Road, referenced by Tax Map 78, Parcel 28.01, Zoned A-1, Agriculture-Forestry District, 3rd Legislative District. Owner: Rick McCarter [07-10-229-SU-CO]

Mr. McCarter was present.

Mr. Reynolds described the property and location for the Board, noting a variance had been approved on the existing structure in 2006. The current lot has 75' of frontage, but due to a slice of property in front of it that is

part of the property across the street, to create an additional lot, variances on lot frontage would have to be granted.

Mr. Brooks said that when Morganton Road was rebuilt when Tellico Lake was created is when the sliver of property was divided off. He made the motion to approve the road frontage variances, Mr. McEachern seconded, and motion was approved 9-0.

Agenda Item E: Request consideration of lot frontage variance of 50' (from 75' to 25') for property located at 5742 Loudon Ridge Road, referenced by Tax Map 25, Parcel 80.00, Zoned A-2, Rural Residential District,

5th Legislative District. Owner: Roy Acuff

Ms. Emily Acuff was present.

Mr. Reynolds described the property and location for the Board, noting the current property only has 48' of road frontage. The potential buyers for the property want to split off the current house and one acre of property and build a new house on the rest of the farm. There needs to be an additional 2' of property for each of the properties to be able to have 25' which is what is required for a building permit.

Mr. McEachern questioned the use of a JPE for this situation, but there was not enough frontage for that to be done either, and in addition the JPE would have to be over 500'.

Mr. Ken Alford, the next door neighbor, stated he was not willing to sell 2' of his road frontage to the Acuff's.

Mr. Newman said that if Mr. Alford won't sell property, and since the Acuff's need a 25' minimum of 25' to obtain a building permit, a variance will not help their issue. The subdivision requirement for a new parcel is 75', and they could ask for a variance to 25', but they can't go below 25'.

Mr. Harrison asked if all of the property owners on Paul Acuff Lane could go create a JPE.

Mr. Newman said it would require all of the property owners to replat their property, but Paul Acuff Lane does not meet current requirements for a JPE.

Mr. Newman recommended the request be denied.

Mr. Luttrell made the motion to deny the request, Mr. McEachern seconded, and motion to deny was approved 9-0.

Agenda Item F: Request consideration of release of letter of credit in the amount of \$20,000 for Sunset Bluff Drive in Leeper's Crossing. Owner: Jim and Tracy Fritz [05-10-253-SU(F)-CO]

Mr. Newman described the property and location for the Board. He noted the road has been completed for one year and the vegetation has been re-established. He recommended release of the letter of credit.

Mr. Henderson made the motion to release the letter of credit, Mr. Brown seconded, and motion was approved 9-0.

Building Commissioner's Report

65 permits issued for the month of October with an estimated value of \$9,873,751.00 and fees of \$35,013.00.

Additional Comment from Board

Mr. Brown asked the status of the conversations with Watts Bar Utility District.

Mr. Newman said that county Commission had discussed it at their workshop and were in agreement with the RPC about not requiring signatures from WBUD if they insisted on the \$1000 fee per lot for signing. Mr. Barger with WBUD has said that they will add the \$1000 to the tap fee if the County Commission and RPC make that decision.

Mr. Brown said he had no problem with it being added to the tap fee.

Mr. Brooks asked if fees were being charged for building permits on agricultural buildings.

Mr. Cox said they were not being charged if the buildings were beings used for agricultural purposes. If the buildings are being used for a retail operation he considers them commercial

With no further business, the meeting was adjourned at approximately 5:45 PM

Signed

Dated