

MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

OCTOBER 16, 2007

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

Motion to approve the minutes for the September 18, 2007 meeting was made by Mr. McEachern, seconded by Mr. Parr and approved 10-0.

Agenda Item A: Request consideration of approval of rezoning approximately 10.37 acres of property located at 7374 Highway 411 S from A-2, Rural Residential District to C-1, Rural Center District, referenced by Tax Map 84, Parcel 50.01, 3rd Legislative District. Owner: Ralph Tallent [07-09-205-RZ-CO]

Mr. Tallent was present.

Mr. Newman described the property and location for the Board, noting the surrounding commercial zonings in the area and noted that utilities are available in the area. Mr. Tallent is requesting C-1 Zoning because he plans to still live on the property.

Mr. Tallent told the Board he is a homebuilder and he planned to sell carpet from the building.

Mr. Brooks made the motion to approve, Mr. Parr seconded, and motion was approved 10-0.

Agenda Item B: 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-2, General Commercial 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 described the property and location for the Board. He noted that just past this home is a subdivision that is located in Roane County, and across the street from this property is I-40.

Mr. Carlyle told the Board that he is a minister, and he has bone cancer. He plans to operate a business on the property, including counseling and weddings and he also plans to sell rock and mulch. He thinks he has a good location for that because his property looks at the interstate. Atomic Speedway across the interstate from him has also been rezoned to Commercial.

Mr. Parr noted that the Speedway was rezoned to Industrial. He also asked Mr. Newman if Mr. Carlyle would not need C-1 Zoning if he plans to continue living on the property and would that not also accommodate the business plans he has.

Mr. Newman said he would be able to conduct the counseling in C-1, and possibly the landscape materials.

Mr. Brown said he was sympathetic to Mr. Carlyle's request, but the entire commercial is on the other side of I-40.

Mr. Carlyle said that Mountain Land Company goes from Hwy 321 to Paw Paw Plans road and it is commercial, and Mr. Newman agreed.

Mr. Mike Fleming with Premier Media asked if Mr. Carlyle would be able to have signage on C-1, or could it be a special exception usage.

Mr. Parr said it would have to be C-1 for Mr. Carlyle to continue to live there.

Mr. Newman said he did not think signage was a special exception usage. He recommended denial of the request because it is not consistent with the land use plan. The range of C-2 uses would exceed the capacity of the road in terms of access to the site.

Mr. Fleming asked that the item be postponed for one month.

Mr. Parr made the motion the item be postponed until the November meeting, and brought back with a C-1 request. Mr. McEachern seconded and motion was approved 10-0.

Agenda Item C: Request consideration of approval of rezoning approximately .92 acres of property located at 7003 Highway 411 S. from C-1, Rural Center District to C-2, General Commercial District, referenced by Tax Map 79, Parcel 117.00, 3rd Legislative District. Owner: Brandon Frye [07-10-225-RZ-CO]

Mr. Frye was present.

Mr. Newman described the property and location for the Board, noting it was across the highway and slightly east of the property in Item A. The adjoining properties are C-1, but Mr. Frye is proposing a self storage facility on this property, which is only allowed in C-2 with special exception approval. He recommended approval of the request.

Mr. Parr made the motion to approve, Mr. Brooks seconded, and motion was approved 10-0.

Mr. Bill Cox, Building Commissioner, noted for Mr. Frye that a site plan and building permit would be required in addition to approval of the rezoning.

Agenda Item D: 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 present. He asked how many people in the audience were there because of this item. He asked that they raise their hand and he then handed out paperwork to them. He asked that the item be postponed until he had time to meet with them.

Mr. Luttrell made the motion the item be postponed until November, Mr. Parr seconded, and motion was approved 9-1 with Mr. Brown voting nay and noting he felt like the item should be heard since so many people came to the meeting about it.

Agenda Item E: Request consideration of approval of lot frontage variance of 50' (from 75' to 25') for property located at 4400 Corinth Church Road, referenced by Tax Map 57, Parcel 256.00, Zoned A-2, Suburban Residential District, 4th Legislative District. Owner: Larry Smith [07-09-223-SU-CO]

Mr. Smith was present.

Mr. Newman described the property and location for the Board, noting that this property was one parcel with three homes on it, all three of them having been there for some time. There is a single wide mobile home that is not shown on the survey because it is going to be removed. The property can be divided into two parcels, each with one of the homes on it, the rear lot having a 25' road frontage. There are no new building lots being created. He recommended approval of the request.

Mr. McEachern made the motion to approve, Mr. Brown seconded, and motion was approved 10-0.

Agenda Item F: Request consideration of approval of lot frontage variance of 48' (from 75' to 27') for property located at 7845 Williams Ferry Road, referenced by Tax Map 6, Parcel 117.00, Zoned A-2, Rural Residential District, 5th Legislative District. Owner: Edward Purdy [07-09-224-SU-CO]

Mr. Purdy was present.

Mr. Reynolds described the property and location for the Board, noting that the owners of the involved properties are swapping land and moving driveways. The property currently only has a 25' strip of property for road frontage.

Mr. Newman noted that a new buildable lot is not being created, that the variance is for an existing lot, and recommended approval.

Mr. Brown made the motion to approve, Mr. McEachern seconded, and motion was approved 10-0.

Agenda Item G: Request consideration of amendment to Loudon County Zoning Resolution for Section 5.043 R-1 Suburban Residential District for accessory structure setback from 15' to 5' from the rear or side property line. [07-10-230-RGZ-CO]

Mr. Newman noted for the Board this item came from a request by Board members that the setbacks for accessory structures be lessened to 5'. He also told the Board that LCUB had expressed concerns about the setback being lessened, but this would still leave the 5' easement for utilities that is along side and rear property lines.

Mr. Brown stated that the utility companies would still be able to get their equipment where it needed to be, and he felt this change was a good thing for county residents. He made the motion to approve. Mr. Brooks seconded and motion was approved 10-0.

Agenda Item H: Discussion of Watts Bar Utility District special assessment fees to sign subdivision plat.

Mr. Brown told the Board he had been contacted by Mr. Howard Farmer and been made aware that Watts Bar Utility District (WBUD) was now charging \$1000 per lot to sign a subdivision plat. He has talked to both of the State Representatives about it, and Representative Ferguson said he had been told by WBUD

it is for line extensions and a new tank. He stated he felt that \$1000 per lot just to approve the plans was rather steep.

County Commissioner Harold Duff questioned the legality of it and asked how it had been approved.

Mr. Farmer explained that he felt that WBUD had, in a sense, put a lien on his property. There are three members on the Board and none of them represent Loudon County. He felt this was an unfair practice.

Mr. Newman stated that he has not found where it is a state law, but to be officially correct he needs to verify that through the county attorney. At this time it is part of the Subdivision Regulations. He read a letter from District Attorney Russell Johnson stating that it is nothing his office can follow up on because nothing criminal has taken place.

Mr. Harrison commented that the messiest situation in Tennessee at this time is the Utility Districts.

Mr. Farmer stated that he felt this fee had been passed under the table, as no notice of it had been in the Roane County or the Loudon County newspaper.

Mr. Dunsmore asked Mr. Newman to verify through the County Attorney if a utility company is required by the state to sign a plat, and if they are not required to would the Board consider not requiring that signature. It seems their (WBUD) logic is to rake the money in from the developers because adding to the tap fee would take too long to raise that money.

Commissioner Duff stated that the County had taken LCUB to court and won to keep LCUB from blocking other utility companies that would provide service to this area. Then there was an agreement with LUB and that fell through before WBUD came in to the area with water.

Mr. Brown asked if the signature could be waived on a case by case basis if they could not be persuaded to reconsider the fee and Mr. Newman said the Board did have the authority to do that.

Mr. Brown then suggested Mr. Newman get the legal advice, wait a month and then handle each item on a case by case basis.

Mr. Newman recommended that the RPC approach County Commission with a position opposing the fee, and the County could contact WBUD and express the concern of the hardship the fee is imposing, since the agreement was entered into in good faith.

Commissioner Duff said he would like to see it on County Commission's agenda along with the appointment of a person from Loudon County to the Utility Board.

Mr. Parr made the motion to send this to County Commission opposing the fee, and Ms. Cardwell seconded.

Mr. Newman said he would draft a letter to County Commission requesting they go on record opposing the fee, noting the hardship on Loudon County residents in light of the agreement to provide service.

Mr. Brown suggested they take a strong position.

Mr. Harrison called for the vote and the vote was 10-0 to approve the motion.

Building Commissioner's Report

52 permits issued for the month of September with an estimated value of \$5,753,262.00 and fees of \$20,854.00.

Additional Public Comments

Mr. James Loveday, a local surveyor, told the Board the LCUB also assesses a fee against developers for sewer improvements. The only difference is they do not charge the fee in advance, but if WBUD is allowed to other utility companies may start doing the same thing.

Announcements and/or comments from the Board/Commission

None

With no further business, the meeting was adjourned at approximately 6:40 PM

Signed

Dated