

MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

FEBRUARY 20, 2007

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

Motion to approve the minutes for the January 16, 2007 meeting was made by Mr. Hemelright, seconded by Mr. Parr and approved 11-0.

Agenda Item A: Request consideration of approval of rezoning approximately 30.5 acres of property located at 3060 Old Kingston Road from A-1, Agriculture Forestry District to R-1/PUD, Suburban Residential District with Planned Unit Development Overlay of 2.69 units per acre, referenced by Tax Map 24, Parcel 77.00, 5th Legislative District. Owners: Kenneth & Jane Norman Applicant: Jameson Homes [06-12-280-RZ-CO]

Mr. Newman recalled for the Board that this item was heard in January and denied. After discussion at the County Commission workshop, it was sent back to the RPC for revision regarding the requested density due to an error in calculations which requested 3.8 units per acre. The same concept plan has been submitted which shows 82 units on 30.5 acres, 44 attached units and 38 proposed single family lots. There have been no changes from the plan that was on display at the January meeting.

Mr. Luttrell asked about sewer, and Mr. Newman noted there was currently no public water or sewer. He did not that in February the realtor had mentioned discussions with the utility company about extending water, but a Planned Unit Development is prohibited without public water and sewer.

Mr. Henderson noted the request is still not consistent with the Land Use Plan.

Mr. Brooks made the motion to deny the request, Mr. Henderson seconded, and motion to deny was approved 11-0.

Agenda Item B: Request consideration of approval of rezoning approximately 1/2 (.50) acres of property located at 21444 Hwy 321 S, from C-1, Rural Center District, to C-2, General Commercial District, referenced by Tax Map 35, part of 79.00, 3rd Legislative District. Owner: Darwin & Gina Spires [07-01-14-RZ-CO]

Mr. Newman noted that this requested was related to a BZA item regarding fireworks sales on the property that was on the January agenda. The applicant has requested a Special Exception to sell fireworks, and found that it was not allowed in their C-1 zoning.

Mr. Brooks made the motion to approve, Mr. Parr seconded, and motion was approved 11-0.

Agenda Item C: Request consideration of approval of rezoning approximately 1.37 acres of property located at 19202 Beals Chapel Road from A-2/F-1, Agricultural-Forestry District and Floodplain District to R-1/F-1, Rural Residential District and Floodplain District, referenced by Tax Map 28, Parcel 55.00, 6th Legislative District. Owner: Don Fowler [07-01-23-RZ-CO]

Mr. Fowler was present.

Mr. Newman noted that Mr. Fowler owns two adjacent parcels which are zoned R-1. He is requesting rezoning on this parcel to be able to combine them to create 11 proposed lots.

Mr. Lewis Kennedy, property owner across the cove, told the Board that he did own the waterfront edge of the adjacent Beals Landing property, which he sold to the developers of Beals Landing. He noted a stipulation that only one more dock may be built in addition to the Beals Landing docks.

Mr. Newman noted this meeting is only for the rezoning request, not the subdivision plat.

Mr. Carter Baker, owner of Parcel 60.00, asked what could be done on the property if the property is rezoned.

Mr. Newman noted that in R-1, the minimum lot size is 20,000 square feet, so this lot alone would not have enough road frontage to be divided, but Mr. Fowler plans to combine it with the two adjacent parcels he owns. He noted the request is consistent with the Land Use Plan, which supports Low Density Residential for the area. The request is also consistent with the surrounding zoning. He recommended approval of the request.

Mr. McEachern made the motion to approve the request, and Mr. Parr seconded.

Mr. Jim Reed, owner of Parcel 53.00 across Beals Landing Drive, stated he is concerned with half acre lots, and wanted to know if the neighborhood covenants and restrictions would be subject to change.

Mr. Newman noted that this body did not enforce deed restrictions, but any property restrictions and covenants would be submitted with the final plat.

Mr. Fowler stated he did not plan any apartments or condominiums, and would be glad to keep the same restrictions as are in place now.

Mr. Harrison called for the vote, and motion was approved 10-1 with Mr. Luttrell voting nay.

Agenda Item D: Request consideration of final plat approval of 3 lot subdivision located on Friendsville Road, referenced by Tax Map 52, part of Parcel 16.00, Zoned A-2, Rural Residential District, 3rd Legislative District. Owner: Chuck Boyce [06-10-208-SU-CO]

Mr. Reynolds described the property and location, and noted for the Board that this property had been rezoned from A-1 to A-2 because of the owner's desire to divide the property into three lots, and A-1 required 150' wide lots and A-2 only required 100' wide lots. Mr. Boyce has approximately 360' of road frontage. Mr. Boyce is creating three lots, approximately 120' wide each, with a minimum of 1.5 acres each.

Mr. Newman recommended approval of the plat.

Mr. Brooks made the motion to approve, Mr. Harris seconded, and motion was approved 11-0.

Agenda Item E: Request consideration of final plat approval of 8 lot subdivision of 79.759 acres of property with Joint Permanent Easement located on Friendsville Road, with JPE length variance of 1,287' (from 500' to 1,787') and variance from 4 lots to 5 lots allowed on JPE, referenced by Tax Map 44, Parcels 66.02, 66.03, 66.04, 66.00, 67.00 & 68.00, Zoned A-1, Agriculture Forestry District, 3rd Legislative District. Applicant: Judy Troiano [07-01-20-SU-CO]

Ms. Troiano was present.

Mr. Newman described the property and location for the board. He noted the Troiano's had a home on the property. The Troiano's have also placed significant restrictions on the property. The property has never been platted, but divided off by deed. All of the current parcels have some sort of frontage on Friendsville Road, but they use a common access shared driveway. The property was developed prior to the Joint Permanent Easement provision of the Subdivision Regulations. Ms. Troiano is aware that the JPE would have to be shared by all the property owners, and this proposal would clean up some of the 25' flags that now exist. The proposed JPE does exceed the 500' maximum length specified in the Subdivision Regulations, and also would include more lots than allowed. Ms. Troiano is also proposing paving the JPE, which would still be a private drive for all the property owners. She also wants to create two more lots.

Mr. Brown stated that the JPE regulations were changed to what they presently are because of problems that were created in the past. No variances have been granted since the current regulation has been in place. He further stated that he felt the granting of one variance would create many more variance requests, and he was personally against this request.

Ms. Troiano stated that she had started this subdivision 11-12 years ago, and is asking for the JPE in reverse order. She had started this process prior to Loudon County adopting the Joint Permanent Easement provision. She had Russ Johnson set up the deeds and restrictions at that time. She is now just cleaning up what already exists.

Mr. Brown said he understood that, but it creates a mess for the next request. If this is granted the Board would have no basis to deny the next request. And he promised that those requests would come in. He also stated that a Joint Permanent Easement does not exist until it is granted.

Ms. Troiano noted that there would be no further development of this 84 acres due to deed restrictions.

Mr. Newman stated that Mr. Brown's point is that a precedent would be set if this request is approved.

Mr. Brooks questioned why this item was not on the BZA agenda, and Mr. Newman noted this is a request for a variance from the Subdivision Regulations, not the Zoning Ordinance.

Mr. McEachern noted that this request is for 4 times the length of a normal JPE, and also for additional lots

Mr. Brown made the motion to deny the request, and Mr. McEachern seconded.

Mr. Mike O'Hara, an affected property owner, stated that Ms. Troiano did start the subdivision 11-12 years ago, and he owns two of the original 6 tracts. He noted that now Ms. Troiano is adding two more lots, and he thought this had been approved at least nine years ago.

Ms. Troiano stated that the original subdivision was of 54 acres, the remaining 30 lots were not part of the original development. She stated she is having trouble selling the property because she still owns the driveway. She further stated she did not see how this would set a bad precedent because there are JPE's on the former Tallent property that are on 10 acres. She is in a different category because of the acreage involved.

Mr. McEachern stated she should have brought in a plat at the beginning.

Ms. Troiano stated she had brought the plat in to Mr. Phillips, and at that time a JPE was not part of the regulations.

Mr. Andy Conner, another affected property owner, noted that Ms. Troiano had commented on paving the JPE if this was approved, and questioned who would pay for it since all the property owners were required to split the maintenance. He also noted that anything such as the paving was supposed to be discussed between all the property owners.

Ms. Troiano stated that the deeds do require everyone to pay for their pro rata share. She would pay for the pack portion of the paving and the cul-de-sac. She did not go to the neighbors this time in the interest of time.

Mr. O'Hara noted that Ms. Troiano would reap the benefit of the paving but all of the property owners would be required to share in the cost.

Mr. Harrison noted that these are large tracts that could be divided later.

Ms. Troiano stated that they are deed restricted and cannot be further divided unless the zoning for the area changes.

Mr. Newman noted that this plan would significantly enhance the property as it would eliminate some of the 25' strips of property to the road, but agreed with Mr. Brown that this is a significant variance request and would have future impact.

Mr. Harrison called for the vote, and the request was denied 11-0.

Agenda Item F: Request consideration of final plat approval for Stone Crossing, Unit I, a 47 lot subdivision consisting 28.02 acres of property, The Crossing Unit I, located on Hwy 70 E at Thornton Drive, referenced by Tax Map 7, Parcel 99.00 Zoned R-1/PUD, Suburban Residential District with Planned Unit Development Overlay of 2.0 units pre acre, 5th Legislative District. Owner: Mark White [07-01-08-SU(F)-CO]

Mr. White was present.

Mr. Newman noted that this development had originally been named "The Crossing", but the name has been changed to "Stone Crossing". He described the property and location for the board, noting this is Unit I, 28 of the 138 acres. The developer has extended water, sewer and electric, the road is graded, paved and curbed, and the storm drainage is in. The final wearing surface is still needed, and also still to be installed is the landscape berm across the front of the property, and the final seeding and re-vegetation of the right-of-way. Mr. Newman recommended approval with a letter of credit in the amount of \$75,000.00, all certifications being signed, and minor plat revisions that are needed.

Mr. Hemelright made the motion to approve, Mr. Luttrell seconded, and motion was approved 11-0.

Agenda Item G: Request consideration of final plat approval for Garnet Hill, a 40 lot subdivision consisting of 15.30 acres of property, Garnet Hill, located on Hwy 11, referenced by Tax Map 11, Parcel 38.00, Zoned R-1/PUD, Suburban Residential District with Planned Unit Development Overlay of 3.0 units per acre, 6th Legislative District, Owner: Saddlebrook [07-01-19-SU(F)-CO]
Mr. Danny Kirby was present for Saddlebrook.

Mr. Newman described the property and location for the Board. He requested two letters of credit, one for the road, paving, and utility installation and another for the developer's portion of the cost of the Hwy 11 turn lane which will be shared with the developer of Meadow Walk Villas.

Mr. Kirby told the Board that they are further behind than they planned to be, but within 45 days they should have the stone, binder surface, and curbs in place. They are working with Cannon & Cannon and TDOT on the turn lane, planning it for summer due to the weather. They are also waiting for TDOT to sign off on the actual design of the turn lane.

Mr. Newman made the recommendation to approve based on the two letters of credit he had requested and all certifications being signed.

Mr. McEachern made the motion to approve, Mr. Parr seconded, and motion was approved 11-0.

Agenda Item H: Request consideration of accept designated right of way to Tellico Regional Business Campus, consisting of 5.35 acres of property, located off East Coast Tellico Parkway, referenced by Tax Map 83, Parcel 14.00. 3rd Legislative District. Owner: Tellico Reservoir Development Agency, Applicant: Loudon County Government

Mr. Pat Phillips, Loudon County Economic Development Agency president was present to explain the request.

Mr. Newman noted the property is owned by TRDA and the RPC does not have the authority to approve a plat on TRDA property. However, they are asking that the road be accepted into the county system after it is built.

Mr. Phillips told the Board this is a joint project between Loudon County, TRDA and the State of Tennessee for Christensen Ships. The State has provided funds for the road and plans to start work in March or April. The county will be managing the project for the road construction and utility installation. The road will be 2800' feet in length with 2-14' lanes. They will follow all TDOT guidelines. A public meeting was held in Greenback in January as required by TDOT.

Mr. Brooks made the motion to approve, Mr. Hemelright seconded, and motion was approved 11-0.

Agenda Item I: Information regarding Quality Growth Conference March 30, 2007 in Knoxville

Mr. Newman told the Board he will send out further information on this as he receives it, but he wanted them to be able to make plans to attend if they could. LCEDA has funding available to pay registration cost.

Building Commissioner's Report

36 permits issued for the month of January with an estimated value of \$3,888,796.00 and fees of \$14,543.00.

Additional Public Comments

Mr. James Christopher stated that he and others were in attendance for the hearing on item A (Old Kingston Road), but they had arrived late. He stated they had worked hard to understand the process here, and he felt he and his engineer had been railroaded. The County Commission was excited to hear the plans for the development, but sent it back to this board because it was listed at an incorrect density. They had been promised that if they came back they would be granted something because this is a benefit to the community and is good for the community. They have worked with the water commission to get water to the area, and entertained the idea of a self contained sewer. He asked for an explanation from the Board. He wanted to know why Mr. Newman said it would be approved at 2.5 units per acre at the workshop.

Mr. Newman said he never said that it would be approved, that he would never presume what this Board would recommend.

Mr. Christenson said stated that what would be good for the community has been totally denied, and the owners are being denied the highest and best usage of their land. In his study, he has found that agricultural land will only bring \$2500 per acre based on MLS documentation. For sure it would not bring more than \$10,000 an acre Saddlebrook and others have been allowed to develop acreage.

Mr. Parr stated that he voted against the rezoning and all the surrounding property owners oppose the agricultural being changed to a different zoning. The Land Use Plan supports agricultural use, and he is opposed to the rezoning because that would be an inconsistency with the land use plan. He again stated that all the neighbors want the area to stay as prescribed in the Land Use Plan.

Mr. Brown stated the item had been heard and denied and it was time to move the meeting on.

Mr. Newman stated the item automatically goes to County Commission.

A representative of Jameson Development stated that the rumor was out that they were building apartments or a subdivision of condos.

Mr. Hemelright said this was on the agenda at 5:30.

Mr. Christensen said he thought the meeting started at 6:00.

Mr. Parr stated the area is designated as agricultural and it is the Board's desire that it stay that way at this time. The Board has said no, and the residents of the area have said that also.

The Jameson representative stated there are only two property owners opposed because of a drainage issue

At that time, Mr. Brown made the motion to adjourn, Mr. Brooks seconded, and meeting was adjourned at 7:55 PM

Signed

Dated