

MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

MAY 15, 2007

The May meeting of the Loudon County Regional Planning Commission was called to order at 5:35 PM. Present were Mr. Harrison, Mr. McEachern, Mr. Harris, Mr. Hemelright, Ms. Terry, Ms. McNew, Mr. Brown, Mr. Brooks, Mr. Parr and Mr. Henderson.

Motion to approve the minutes of the April 17, 2007 meeting was made by Mr. Hemelright, seconded by Ms. McNew and approved 10-0.

Agenda Item A: Request consideration of approval of rezoning approximately .82 acres of property located on Hwy 321 S from A-2, Rural Residential District to C-2, General Commercial District, referenced by Tax Map 27, Parcel 142.00, 3rd Legislative District. Owner: Walter McGroary [06-10-210-RZ-CO]

Mr. McGroary was present. He stated he currently lives on Antioch Church Road and he wants to sell hot dogs. He has been retired 15 years, and has been working on the garbage in this house, painted it, and wants to have a portable hot dog stand. He won't need a lot of room and won't have to have toilets. He will have hot dogs with sauerkraut, chili and just sell hot dogs. The building was built in 1924 and is unusable.

Mr. Newman described the property and location for the Board, noting the existing residential structure is dilapidated and also that Mr. McGroary has filled in the front of the property to road grade and buried part of the front façade of the house. It is located on the recently improved section of Hwy 321 with frontage also on Yedear Road, there is a median cut across from Jackson Bend Road and a driveway apron has been installed on the property as part of the highway improvements. He asked where Mr. McGroary anticipated having parking.

Mr. McGroary said that there are two right of way signs on both sides of the property, he may move an electric pole, but he is happy with the property. He wants to make it look better and is hauling off trash.

Mr. Newman noted there are limitations with the property, and if the existing building is used it would need fixed up. There is also a limited amount of parking space, and the residential use would be limited, as it would not be a desirable location for residential use. There are also severe topographic issues on the back of the property. He further stated he did not feel that C-2 would be appropriate zoning for the property because of these issues and the limited useable area of the site, so he recommended C-1, Rural Center District, which is a more limited commercial zone, but would allow his proposed use.

Mr. McGroary said that would be fine as long as he could have his hot dog stand. He also stated his hot dog stand was on a trailer with a hitch. He would take it home every night.

Mr. Newman asked what the plans for the building on the property were.

Mr. McGroary stated there are no plans. The Fire Department cannot burn it down because of the electrical wires. They can burn it if it is knocked down and moved to the rear of the property.

Mr. Bill Matlock showed the Board photos of the house and the dirt that has been dumped on the property. He stated he is the developer of the nearby Williamsburg Subdivision. He stated he felt more planned development is needed on Hwy 321.

Mr. Newman stated that Mr. McGroary would be required to submit a site plan and obtain a building permit.

Mr. David Hudson, nearby resident, stated that the state had invested between 4 and 5 million dollars in improving Highway 321, and Mr. McGroary was using a dilapidated house as a retaining wall. He also questioned access from Yedear Road.

Mr. Newman stated that no access had been requested at this time from Yedear Road.

Mr. Harris asked if Mr. McGroary could be required to tear the house down as part of the rezoning approval.

Mr. Newman said that could be made a requirement of the approval.

Mr. Brown noted that this is not a good parcel for residential use.

Mr. McGroary stated he thought the property was commercial when he purchased it. It should be commercial.

Mr. Brooks asked if the zoning was left as it is, could Mr. McGroary apply for a special exception through the BZA.

Mr. Newman stated he did not know if the usage could be approved in the A-1 Zone.

Mr. Harris made the motion to approve the rezoning request to C-1, Rural Center District on the condition that the existing house is torn down.

Mr. McEachern seconded the motion and the vote to approve the motion was 5-4 with Mr. Hemelright, Mr. Brown, Mr. Brooks and Mr. Parr voting nay.

Agenda Item B: Request consideration of approval of rezoning approximately 2.94 acres of property located at 103 Robinson Drive, at the corner of Hwy 11 and Robinson Drive, from R-1, Suburban Residential District to C-2, General Commercial District, referenced by Tax Map 15M, Group A, Parcel 4.00, 2nd Legislative District. Owner: William & Joy McGinnis [07-04-79-RZ-CO(LEPR)]

No one was present for the applicant.

Mr. Brooks made the motion to deny the request, Mr. Luttrell seconded, and motion to deny was approved 10-0.

Agenda Item C: Request consideration of approval of rezoning approximately 2 acres of property located at 12570 Hwy 70 E from R-1, Suburban Residential District to C-2, General Commercial District, referenced by Tax Map 7, Parcels 112.00 & 113.00, 6th Legislative District. Owner: John Tuck [07-04-92-RZ-CO]

Mr. Tuck was present. He passed out aerial photos of the area and told the Board he had a convenience store that wished to locate in this area. It is a growing area seeing an increase in traffic. This property would not be feasible for a house and he is also noting he is proposing a turn lane for Highway 70. This would be an upscale, well landscaped convenience store catering to the subdivisions in the area.

Mr. Newman described the property and location for the Board. He noted this request had been reviewed and denied just over one year ago based on the Land Use Plan and recommended that this area remain residential. He noted that there are two parcels, just over two acres, near, but not fronting, Wilkerson Road.

Mr. Tuck stated he planned to propose a land swap with the owner of the property that fronted Wilkerson Road.

Mr. Newman noted that Moneymaker's operation was an approved existing use and the Business park was created as the result of a lawsuit settlement. He recommended not approving the request until a land use plan for the full length of Hwy 70 could be undertaken after the Creekwood development ties into Hwy 70. At this point in time he recommended the Board follow the Land Use Plan recommendation for residential use in the area.

Ms. Sharon Shelligan stated support of last year's decision. She also noted that one lane of Hwy 70 is closed right now and the rezoning sign may not have been as visible as it would have were both lanes open.

Mr. Bob Patterson also noted that nothing had changed since the request was made before and supported the zoning being maintained as it currently is.

Mr. Tuck stated that when the commercial area of Creekwood develops, Mr. Patterson's development would benefit from the proposed turn lane. Otherwise there is not much this property could be used for.

Mr. Brown made the motion to deny the request, Mr. Brooks seconded, and motion was approved 10-0.

Agenda Item D: Request consideration of approval of rezoning approximately 12.14 acres of property located on Cusick Circle (approximately 701' from Hwy 11 E), from R-1, Suburban Residential District to R-1/PUD, Suburban Residential District with Planned Unit Development Overlay District of 3.0 units per acre, referenced by Tax Map 7, Parcel 144.00, 6th Legislative District. Owner: HTRV, Inc [07-05-95-RZ-CO]

Mr. Jeff Pfeiffer was present to represent the owners.

Mr. Newman described the property and location for the Board. He noted Cusick Circle had developed as a residential neighborhood with some small lots and also some larger tracts and there is low traffic volume on the road. There have been significant utility improvements in the area with a sewer line along Highway 11 and public water. The applicant is requesting R-1/PUD with 3.0 units per acre. The concept plan proposes 36 units, 24 single family detached and 12 attached townhomes.

Mr. Pfeiffer stated he is an architect and a land planner with over 20 years experience. Mr. Chris Wampler and Mr. Harry Wampler are his clients. He displayed a concept plan and described it noting the

1.8 acres of open space, his proposal for saving trees and adding new trees along the proposed street. It would be a pedestrian friendly environment with 4-5' sidewalks on each side of the road. There is a proposed .6 acre park at the entrance and one acre at the rear of the property for detention and a dog park. The existing house will be preserved. The lots will be a minimum of 7500 square feet. And there will be a buffer between the single family homes and the townhomes. Garages will be side loaded or be required to be 16' behind the front elevation of the house if front loaded. The maximum curb cut allowed for a driveway will be 12'. In the attached units the garages will be at the rear with an attached alley. The home style will be English Tudor. He also noted the Wampler's have a long vested interest in the community.

Ms. Jody Cusick, an adjacent property owner spoke and asked if this is to be part of the subdivision, why is it a gated subdivision. She said the plan looks nice, and she has no problem with a few homes, but this plan would add at least 72 cars to Cusick Circle. She also handed out a letter from Mr. Smith, the other adjacent property owner and a petition with 105 names opposing this development.

Ms. Penny Becker, another adjacent property owner, asked how wide the road needs to be for two cars to pass and questioned the adequacy of Cusick Circle. She also described the traffic hazard at the northern entrance to Cusick Circle from Hwy 11. She further described the flooding that is already occurring in the neighborhood and surrounding area.

Mr. Newman stated that a development plan would have to address any stormwater issues.

Ms. Becker said the flooding is already serious. This development will change both the topography and the character of the neighborhood.

Mr. Vance Lee stated he had lived on adjacent property on Pinecrest Circle for 22 years, and it had taken 10-15 years to get a decent water line and adequate water pressure. With the addition of the Saddlebrook development and Meadow Walk Villas, how will that already be affecting the water situation. He asked if any studies had been done on that yet. He also stated the very dangerous intersection at the north end of Cusick Circle and Hwy 11.

Mr. Hemelright questioned if any traffic study had been done on Highway 11 and the impact of this development.

Mr. Parr stated that this is a very nice plan, but over the last 3-4 days he had received more phone calls than he had since he had been on the Board regarding this proposal. He opposes the density and sooner or later the development in this area will need to be slowed down.

Mr. Brown also stated it was a nice plan, but was not for here. Mr. Brown made the motion to deny the request, Mr. Parr seconded, and motion to deny was approved 9-1 with Mr. Harris voting nay.

Agenda Item E: Request consideration of preliminary plat approval of 66 lot subdivision, Ridgeview Estates, on 24.3 acres of property located on Hwy 70 W, Zoned R-1/PUD, Suburban Residential District with Planned Unit Development Overlay of 3 units/acre, referenced by Tax Map 9, Parcel 111.00, 5th Legislative District. Owner: WNW Properties, LLC [07-01-21-SU(P)-CO]
Mr. Newman recommended postponement of this item as some issues have not been resolved and revisions had not been resubmitted.

Mr. Parr made the motion to deny, Mr. Brown seconded, and motion was approved 10-0.

Building Commissioner's Report

75 permits issued for the month of April with an estimated value of \$10,343,605.00 and fees of \$38,127.00.

With no additional comment from the Board or the audience, the meeting was adjourned.

Signed

Dated