

MINUTES

LOUDON REGIONAL PLANNING COMMISSION

OCTOBER 3, 2007

The October meeting of the Loudon Regional Planning Commission was called to order at 12:30 PM. Present were Mr. Carey, Mr. McEachern, Mr. Melton, Mr. Greenway, Mr. Garner, Mr. Gammons, Mr. Brewster and Ms. Millsaps. Absent was Mr. Brennan.

Motion to approve the minutes of the September 5, 2007 meeting was made by Mr. McEachern, seconded by Mr. Gammons and approved 8-0.

Agenda Item A: Request consideration of approval of site plan for addition of patio/deck for Goodfella's Restaurant, located at 304 Cedar Street, referenced by Tax Map 41B, Group D, Parcel 4.00, Zoned C-1/H-1, Central Business District with Historic Overlay District. Owner: William B Harrison, Jr.; Applicant: Jay Alawadi [07-09-206-SP-LO]

Mr. Alawadi was present.

Mr. Newman described the property and location for the Board, noting the Board had been given a draft copy of the minutes of the Historic Zoning Commission meeting and also a more readable set of drawings than was included in the agenda packet. He explained that the restaurant had been in operation for eight months, and Mr. Alawadi wished to build a deck on the front of the building for additional seating. The design and layout have been approved by the Historic Zoning Commission, but there are issues for this Board to consider. Today the discussion is the site plan. This will not be an enclosed addition, so the setback of 10' would not apply, but the issue is the location of the front property line. On older, recorded plats a right of way of 65' is shown. If Mr. Alawadi's property line is 32 ½ feet from the center of the road, then the building only sits 7 ½ feet off of the front property line. The concrete sidewalk on the front of the building is only about 2' from the property line. The deck, if approved in the right of way, should be referred on to City Council to approve the building of a structure on what is considered public property.

Mr. McEachern asked how the deck would be enclosed.

Mr. Newman said the HZC had approved lattice work underneath, and rails similar to what is on the Carmichael Inn. The wood decking would be pressure treated lumber, and there would be a canvas awning the full length of the deck and covering the deck for 8' from the building. The deck would come within 3'7" of the sidewalk along the street, and the area between the deck and the sidewalk would be landscaped and mulched.

Mr. Carey said he disagreed with where Mr. Newman believed the property line to be.

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Mr. Brewster asked if this would be a positive addition to the area.

Mr. McEachern stated he did not think this had been well thought out and would not be a positive for the area.

Mr. Greenway cited the size of the building and said he could see where Mr. Alawadi needed more space to be able to utilize it more.

Ms. Mary Longworth, neighboring property owner, cited safety issues with backing out of her parking lot if the deck is allowed to be built. She has also measured her property from the deed and the property line is more than 10' from the street. She again cited safety concerns with the design.

Mr. Garner noted that Mr. Alawadi had agreed to make a 45 degree angle on each of the front corners of the deck to allow for the sight distance from the side of the deck.

Ms. Longworth stated this deck would also obstruct her sign, but her main concern is the safety issue. This deck would make a serious impact on her office and would create a hazard. She has no problem with Mr. Alawadi's business growing, but he has already poured footers to the sidewalk. She passed out photos to the Board showing both properties.

Mr. Garner said that if the property line is where it is believed to be then Ms. Longworth's parking is on public property.

Mr. Brewster said he did not see a safety issue, but saw this as a positive for the downtown.

Mr. Alawadi stated that he cut his own trees and Ms. Longworth got mad at him.

Ms. Longworth said he did cut her bushes, but that is not why she is here.

Mr. Alawadi stated he was trying to paint his building and thought he was cutting his own bushes.

Mr. Carey noted that Mr. Alawadi had also compromised on how far off the sidewalk he would build the deck.

Mr. Newman said that Mr. Alawadi wanted to do a nice improvement. He said this Board could not reasonably recommend approval of a permanent structure in the right of way, but could approve the site plan subject to City Council agreeing to allow Mr. Alawadi to build on public property, but he thought if he were allowed to build on public property it would set a terrible precedent.

Mr. Garner stated the Courthouse Revitalization project would create more requests for variances in the future.

Mr. Brewster made the motion to approve the site plan.

Mr. McEachern questioned the location of the property line and asked if there had been a survey. No one had a survey.

Mr. Brewster said the approval could be dependent on City Council's interpretation of the property line.

Mr. Newman noted that even if the right of way is only 50' part of Mr. Alawadi's deck would still be in the right of way.

Ms. Longworth said that the last time Cedar Street was paved the center line was moved towards the courthouse.

Mr. Brewster amended his motion to allow a 14' deck measuring from the wall of the building, which would place it 3'6" off of the front sidewalk and have a canopy the width of the building only extending 8' over the deck. He also added that Mr. Alawadi would cut the corners of his deck at 45 degrees.

Mr. Alawadi said that a 14' deck would make it worth his investment.

Mr. McEachern said he would like to see a survey before making a decision because he felt that the Board was talking in hypotheticals.

Mr. Melton seconded Mr. Brewster's motion.

Mr. Greenway asked for Mr. Newman's recommendation.

Mr. Newman stated he would recommend the Board not approve this site plan because there should be no permanent construction in the road right of way on public property. There are no documents other than the recorded plats, and there is no evidence of a right of way reduction.

Mr. Greenway noted there had also been no addition to any of the fronts of the houses in that area.

Mr. Alawadi said that there are fences at the sidewalks. If there is a problem with his deck he will move it without a problem.

Mr. Brewster said that Mr. Alawadi is doing everything that he has been asked to do.

Mr. Alawadi said that until the meter was uncovered he was paying for his tenant's water and did not know it. The meter was not even read until it was uncovered. He no longer has tenants in the upstairs of the building.

Mr. Greenway asked if Mr. Alawadi was in the process of purchasing the building and Mr. Alawadi said he was. He hoped to have the paperwork closed by the end of the week.

Mr. Carey called for the vote and motion was approved 7-1 with Mr. McEachern voting nay.

Agenda Item B: Request approval of driveway connection to Highway 72 for Cogdill property located at intersection of Highway 72 and Queener Road, referenced by Tax Map 40, Parcel 83.00, Zoned C-2, Highway Business District. Owner: James & Debra Cogdill [07-08-195-SP-LO]

Ms. Cogdill and Mr. Mark Murray of Shaw Equipment were present.

Ms. Cogdill stated she just wanted a driveway into the property.

Mr. Murray said they had obtained a driveway permit from TDOT, started work, and Mr. Branam issued a stop work order when the grading started.

Mr. Newman said that when the construction of the access started a stop work order had been issued because any commercial or industrial property in the city requires site plan approval.

Ms. Cogdill stated that they were concerned that when Queener Road is closed they will have no access to their property due to the large drainage ditch. At this time they have no plans to build on the property.

Mr. Newman made the recommendation to allow the construction of the driveway on the condition it be built to City standards of 20' wide, paved and curbed, with concrete headwalls.

Mr. Garner made the motion to approve, and Ms. Millsaps seconded.

Mr. Bill Watkins, Loudon Utilities, questioned the location of the guide wire and noted that the utility company may have to move it. He also questioned if BellSouth had approved the elevations near the culvert.

Mr. Murray said they are close to the BellSouth line, but would not be covering any of it.

Mr. Watkins noted the guide wire cannot be covered, but it could be re-anchored, and there would be a charge by the utility company to do that.

Mr. Carey called for the vote and vote was 8-0 to approve the driveway entrance construction.

Agenda Item C: Request consideration of approval to reduce letter of credit from \$267,000 to \$50,000 for Lakeside Village located on Main Street. Owner: Family Pride Corporation [06-10-241-SU(F)-LO]

Mr. Newman noted that the roads in this development would be private, but they are built and the utility construction is complete. All that is left is the landscaping on the berm in the front of the development. He recommended approval of the reduction request.

Mr. McEachern made the motion to approve, Mr. Melton seconded, and motion was approved 8-0.

Agenda Item D: Request consideration to release letter of credit in the amount of \$15,000 for Willington Place. Owner: Hugh Clark [99-10-133-SU(F)-LO]

Mr. Newman told the Board that these are private streets, and all construction for streets and utilities had been completed. He recommended approval of the release request.

Mr. Garner made the motion to approve, Mr. Gammons seconded, and motion was approved 8-0.

Agenda Item E: Request consideration of approval to accept Robinson Trail off Robinson Drive as a city street [07-08-180-SU(F)-CO]

Mr. Newman told the Board the final plat has not been recorded yet, and recommended postponement of this item.

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Mr. McEachern made the motion to postpone 30 days, Mr. Greenway seconded, and motion to postpone was approved 8-0.

With no further comments from the Board or the audience, the meeting was adjourned at approximately 1:45 PM

Signed

Dated