

**LOUDON COUNTY  
PLANNING  
& CODES  
ENFORCEMENT OFFICE**

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**MINUTES**

**LOUDON REGIONAL PLANNING COMMISSION**

**April 3, 2013**

The April meeting of the Loudon Regional Planning Commission was called to order at 2:30 p.m., due to having the Board of Zoning Appeals Meeting first. Present were Mr. Carey, Mr. McEachern, Mr. Cardwell, Mr. Brewster, Mr. Gammons, and Ms. Jones. Absent were Mr. Brennan, Ms. Hines (had to leave after BZA Meeting), and Ms. Roberts (had to leave during the BZA Meeting).

A motion to approve the minutes for the March 6, 2013 meeting was made by Mr. Cardwell, second was made by Mr. Brewster. Motion carried 6-0.

**Agenda Item A: Consideration of request to approve a 1 lot final plat for the re-subdivision of tract 4 in Sugar Limb Industrial Park with right of way for Henry Drive Extension and Del Conca Way, Tax Map 33, Part of Parcel 5.00, Zoned M-2 (Heavy Industrial District), containing 27.5 acres. Owner: City of Loudon and Loudon County. Applicant: Loudon County EDA office. File # 13-03-14-SU-LO**

Mr. Pat Phillips, Economic Development Agency Director, and Mr. Brad Salsbury, architect from Cannon and Cannon, Inc., were present.

Mr. Newman stated that this property was part of approximately 100 acres that is remaining in the Sugarlimb Industrial Park. He said that 27.5 acres is the property that the City and County has sold to the Del Conca industry. He stated that the purpose this request had come before the Planning Commission was the road right of way that is added. He said that the road would service this facility and possibly other facilities in the area. He stated that the remaining property had some topographic issues. He explained the location of the road extension and new road. He said that Del Conca Way would be behind the facility and would be the primary use for the facility. He stated that they were proposing a 60' ROW on both of the roads. He said that the pavement width shown on the TDOT plans was only 24', in which the subdivision regulation requires pavement of 26'. He stated that the road would not be curbed, but it would have 4' graveled shoulder on both sides of the road making it a wide road.

Mr. Phillips said the reason for only building a 24' road was that TDOT was building the road with agreement with the County and the City. He stated that the State Industrial Access Road requires these roads to be 24' pavement with a 3' shoulder on each side. He said that if curbing and guttering were done, it would necessitate catch basins, more drainage tile under

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the road, and cause some issues with Southern. He stated they chose this width due to ease of the project costs and keep it as a standard TDOT road. He said this was consistent with the other roads in the industrial park. He stated that it was a cost and time issue. He said that there were some topographic issues on the property at the end of the cul-de-sac, such as natural gas, utility, and TVA easements, and a natural drainage swale. He stated that TDOT will take bids for the project in May and could possibly start the construction of the roads sometime in July. He said that part of the road has been done, so that Del Conca can bring equipment into the site. He said that City would be responsible for the remaining road.

Mr. Newman recommended approval for the plat as submitted. He stated that the road that will be built is more than sufficient to the type of traffic generated.

Mr. Brewster made the motion to approve the plat as submitted, second was made by Mr. Gammons. Motion carried 6-0.

**Agenda Item B: Consideration of request to approve a site plan for Del Conca Ceramic Surfaces, a manufacturing facility containing approximately 320,346 sq ft., located on Henry Drive in Sugar Limb Industrial Park, Tax map 33, Part of Parcel 5, Zoned M-2 (Heavy Industrial District), 27.5 acres. Applicant: Del Conca Industries. Owner: City of Loudon & Loudon County. File # 13-03-18-SP-LO**

Mr. Phillips and Mr. Salsbury were present.

Mr. Salsbury stated that the manufacturing facility would be approximately 300,000 sq. ft. with a proposed future expansion of approximately 150,000 sq. ft.

Mr. Gammons asked what the employment would be.

Mr. Phillips said there would be approximately 178 employees.

Mr. Salsbury stated that there would be approximately 150 parking spaces for 2-3 shifts. He said there would be a small office located in the front of the facility and a 2-story office for management and senior executives with a showroom of the product for vendors. He stated that raw materials would be brought into the facility to manufacture the tile.

Mr. Newman asked Mr. Phillips where the raw materials would be stockpiled.

Mr. Phillips said that the trucks would be coming in the back of the building to be weighed before entering the enclosed side of the building. He stated that the raw materials to be used to manufacture the tile would be sand and clay. He said they would go ahead and build the pad out for the 2<sup>nd</sup> phase which would be a 150' slab.

Mr. Cardwell asked if the parking spaces were the required size.

Mr. Newman stated that the parking spaces were 10' X 20'. He asked Mr. Phillips when the proposed date of opening the facility.

Mr. Phillips said the proposed date was the 1<sup>st</sup> part of 2014.

Mr. Newman asked what the elevation of the building would be.

Mr. Phillips stated that the building would be standard block up to approximately 5'. He said that the facility would be approximately 80' in height.

Mr. Salsbury said that the proposed building would use neutral colors.

Mr. Phillips stated that landscaping was not required, but they did propose to do some landscaping.

Mr. Newman asked Mr. Phillips if there were future development in the remaining 66 acres, if the road would be extended from the cul-de-sac.

Mr. Phillips said the road would be extended from the cul-de-sac.

Mr. Gammons had to leave the meeting at this time.

Mr. Newman recommended to approve the site plan as submitted.

Mr. Brewster made the motion to approve the site plan, second was made by Ms. Jones. Motion carried 5-0.

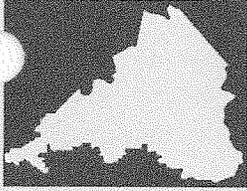
**Additional Public Comment:** There were none.

**Announcements and/or Comments from the Board/Commission:** Mr. Brewster asked Mr. Lynn Mills, City Manager who was in the meeting, if it would be possible for the City to stripe the parking spaces in front of the Graystone Apartments for angle parking.

Mr. Brewster made the motion to adjourn. Meeting was adjourned at approximately 3 p.m.

  
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Signed

  
\_\_\_\_\_  
Date



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**MINUTES**

**LOUDON BOARD OF ZONING APPEALS**

**April 3, 2013**

The April meeting of the Loudon Board of Zoning Appeals was called to order at 12:30 p.m. before the Planning Commission. Present were Mr. Carey, Mr. McEachern, Mr. Gammons, Mr. Brewster, Mr. Cardwell, Ms. Hines, Ms. Roberts, and Ms. Jones. Absent was Mr. Brennan.

Motion to approve the minutes for February 6, 2013 was made by Mr. Brewster, second was made by Mr. Cardwell. Motion carried 8-0.

Mr. Newman explained the reason for having the Board of Zoning Appeals Meeting prior to the Planning Commission. He stated that one of the agenda items was the reason for the large attendance. He went over some procedural requests to those who wanted to address the Board. He asked those people who wanted to address the Board to wait until they were recognized by the Board. He said the order they would go in would be letting the applicant go first to explain his request, then the Board would ask the applicant questions, and then let the audience ask the applicant questions or make statements. He asked the audience to keep their comments brief and not be repetitive of what someone had just said. He stated that once all the comments were stated, the Board would make a decision on the action to be taken.

**Agenda Item A: Consideration of request for special exception approval for a home occupation to operate WLNT radio station from home at 904 Highland Ave., Tax Map 40E, Group A, Parcel 9.00, Zoned R-1. Owner/ Applicant: Chip Lynn**

Mr. Lynn was present.

Mr. Newman referred to the aerial photograph that was in the agenda packet. He explained the location of the property. He stated that the location was next to the water tower. He said Mr. Lynn had stated that there would not be any changes to the exterior of the house. He stated there would be no signage, no radio antennas,

or tower on the property. He said that Mr. Lynn had some equipment on the water tower that the City owned. He stated that the only equipment needed on the property would be inside the home.

Mr. Lynn said that there would be no satellite dishes on the property either. He stated that he would have a home office and do some recording. He said there would be no foot traffic.

Mr. Newman asked Mr. Lynn where the station was located before.

Mr. Lynn stated that the station was located at 601 Atlanta, the corner of Atlanta and Mulberry Street. He said they had vacated that building approximately a month ago. He stated that his station was not a commercial station. He said he had no employees.

Mr. Carey said that this request was for a customary home occupation.

Mr. Brewster asked Mr. Lynn how long he had been using the water tower for his repeater.

Mr. Lynn stated that he had been using it for approximately 2 years.

Mr. Brewster said that he had talked with Mr. John Davis, with Loudon Utilities. He stated that Mr. Davis said the utilities did not have a problem with Mr. Lynn using the water tower for his equipment. He said that Mr. Davis stated that if it ever did create a problem, it would need to be removed.

Mr. Newman recommended approval for the request for the home occupation subject to compliance to the ordinance for home occupation in the zoning regulations.

Mr. McEachern made the motion to approve the home occupation request, second was made by Mr. Brewster. Motion carried 8-0.

**Agenda Item B: Consideration of request for special exception approval to operate a crematory in conjunction with a funeral home/ mortuary at 1366 Hwy. 72 N., Loudon (former United Community Bank). Tax Map 48, Parcel 56.00, Zoned C-2. Owner: United Community Bank. Applicant: Larry Click**  
Mr. Click was present. Mr. Click had brought Mr. Eric Botts, managing director of the Gentry-Griffey Funeral Chapel in Fountain City, with him.

Mr. Newman stated that this was considered a Special Exception, because the zoning ordinance does not identify a crematory as specific permitted use in any of the zoning districts. He said this was the only way it could be handled, unless there was an amendment to the Zoning Resolution.

Mr. Click stated that he not only wanted to represent his funeral home but also his colleagues across the State of Tennessee. He said they wanted to go through the necessary steps with the City of Loudon to receive the appropriate permits and to ensure the safety for the residents of Loudon County. He stated that their intention was to build a state of the art facility for the final disposition of loved ones. He handed out reports to the Board from a consultant that was hired by the City of Spring City, Tennessee. He said that the City of Spring City, along with another group that was in opposition, funded this report. He stated that the consultants from the report had stated numerous times that a crematory was absolutely safe. He said that Spring City received approval to build the crematory. He stated that the consultants used the most stringent air quality testing using California standards as their benchmark. He said there are 45 crematories in the State of Tennessee. He stated that a friend of his, Ms. Pam Stephens, said that all the crematories that had been applied for in the State of Tennessee had been approved. He said that the crematories that are in existence have no complaints or OSHA incidents. He stated there was a growing need for crematories. He handed out a case law that stated that funeral directing also includes the operation of crematories for final disposition. He said that the proposed crematory would be in compliance with all Tennessee air pollution control regulations. He asked the Board to be treated and evaluated like the other 45 crematories in the State. He stated that crematories have such low emissions that they are not regulated by EPA. He said he was ready to make this commitment and investment for Loudon County, so that the residents can have a dignified, state of the art, beautiful facility for the disposition of their loved ones. He stated that all his funeral facilities were beautiful. He said he had lived in this community for his whole life, and he wanted to be a part of the community. He familiarized the Board with some funeral terms: funeral establishment, which has a retort that does the cremations. He handed out pictures of a retort. He stated that the retort was a small unit, approximately 6' X 20'. He said this existing building would be what he would want to build for a funeral establishment. He stated that the retort would fit in the drive-thru, and he would enclose it. He said he did not want to change the building. He stated that he would want to cover where the emissions would come out with a non-combustible material, so people could not see any exhaust. He said that the property was zoned for a funeral establishment. He handed out the legal verbiage of the City of Mt. Juliet lawsuit against a funeral establishment. He introduced Mr. Eric Botts, who has a crematory in his funeral home in the Fountain City area. He handed out what the City of Knoxville has decided to do with crematories so far. He said they

have not made a decision in changing their law as yet. He handed out some questions and answers that Mr. Botts had responded to when the community had some concerns. He stated that he planned on having a small room to have a small service in the funeral establishment. Mr. Click said that he considered himself to be an undertaker. He stated that an undertaker took care of the dead. He said that he does about 75 cremations a year for Tellico Village and 100-150 in Lenoir City. He stated that in the State of Tennessee cremations are 14% and in Loudon County approximately 40%. He handed out papers about the emissions from crematories in New York. He referred to page 5 where it listed the emissions, which were all zero. He handed out appraisals on property values on a funeral home in Florida, which the value went up when the crematory was built. He referred to the eating establishments comments that were on the news the previous night. He stated that the crematory in Fountain City had not affected any of the eating establishments. He said this was an opportunity to not hurt the community, but to help the community.

Ms. Hines asked Mr. Click that crematories were not regulated by the EPA.

Mr. Click said that it was not regulated by EPA, because there were not enough emissions.

Mr. Newman stated that Mr. Click would be required to get a State permit.

Mr. Click said that the State of Tennessee had their air-pollution control requirements. He stated that Mr. Botts said there was a lot of paper work involved that he had to stay on top of.

Ms. Hines asked if the retort released exhaust or heat vapor from the stack.

Mr. Click stated that he had to really look hard at the stack for the retort in Maryville to see anything. He said it probably depended on the temperature outside if you could see anything.

Ms. Hines asked Mr. Click how high the stack would come up from the building.

Mr. Click said that the stack had to come up 3' above the roof. He stated that there were 2 reasons he liked this property: (1) it's a beautiful facility; and (2) it was in a commercial area. He said that there was not a residence close by.

Mr. Cardwell asked Mr. Click if he had already purchased the previous bank building.

Mr. Click stated that he had already purchased the building.

Mr. McEachern asked Mr. Click if he planned on buying more property surrounding the building.

Mr. Click said that TVA owned the adjacent property. He stated that he had contacted TVA to see what their intentions were. He said that TVA stated they did not have any intentions in the foreseeable future. He stated that on the news on the previous night it was stated that this property was across the street from Food City. He said that this property is not across the street from Food City. He stated that it was across the street from the old vacant building of Food City.

Mr. Cardwell asked Mr. Click if he planned on having a normal, traditional funeral home services.

Mr. Click stated that he did plan on having traditional funeral home services.

Mr. Carey asked Mr. Click where he would have the traditional funeral services.

Mr. Click said that all he needed was computer and a desk. He stated that a lot of funeral services were at churches. He said he would have a small chapel in the building.

Mr. Cardwell asked Mr. Click if cremation was the primary purpose of the building.

Mr. Click stated that the primary purpose of the building was for cremation, but it will be a funeral establishment.

Mr. Cardwell again asked if the primary purpose was the crematorium or was it an accessory to an existing funeral establishment.

Mr. Click said that the crematorium would be an accessory.

Mr. Cardwell asked Mr. Click if his intent would be to accept remains from other funeral homes or only ones that come through his facility.

Mr. Click stated that by the Tennessee law he was only allowed to do 50% of his case load from other funeral homes. He said that if they did 200 cremations in Loudon County, he could do 100 from somebody else. He stated that he didn't know if his competitors would want to use him. He said that a retort can do 8,780 cremations, which is how many hours are in a year. He stated that if he did 200

cremations, which take an hour each, the retort would be only be working 200 hours a year.

Mr. Cardwell asked if the 50% of case load was State law.

Mr. Botts said that the 50% of his case load to do other cremations was what Knox County recommended.

Mr. Newman stated that amount could be set by the Board.

Mr. Cardwell said that Knox County had not passed this law, and it was only a recommendation.

Mr. Botts said that was correct.

Mr. Cardwell stated that another recommendation that Knox County had made was that only 33% of space be used for the retort. He said that Knox County also recommended that cremations were to be done through his funeral home, so that they don't become a regional crematory.

Mr. Click said that if that happened, it would be a crematory. He stated that he did not want a crematory, that he wanted a funeral establishment.

Mr. Brewster asked Mr. Click if his establishment would be different from the establishments in Maryville.

Mr. Click stated that he was a charter member of that establishment, and it was a crematory.

Mr. Newman asked Mr. Click how he would differentiate what he proposed to do with this building from the facility in Maryville.

Mr. Click said that cremations have become more and more popular in recent years. He stated that the State of Tennessee says that a retort is as much a part of a funeral home as an embalming room. He said that about ½ of his cremations, he still does embalming. He stated that the families wanted to have a viewing.

Mr. Cardwell asked Mr. Click if he planned on doing embalming at this facility.

Mr. Click stated that he might do embalming at this facility in the future.

Mr. Cardwell said that it looked to him that Mr. Click was only going to do cremations at this facility.

Mr. Click stated that he planned on having a funeral home at this facility. He said all he needed was his desk and his computer to have a funeral home. He stated that he wanted to have refrigeration in this facility. He said he didn't want to do cremations for other funeral homes.

Mr. Cardwell asked Mr. Click what functions he planned to do at this facility other than cremation.

Mr. Click said he would set down and arrange funerals with families, type up obituaries, do paper work, or type up death certificates. He stated that these were functions he did at all his funeral homes. He said that the office is the funeral home.

Ms. Hines asked since cremation was a service, was it taxed?

Mr. Click stated that it was not taxed. He said that the State of Tennessee only taxes merchandise.

Ms. Hines asked Mr. Click if he would have a viewing room for urns.

Mr. Click said that he uses software for caskets on the computer and catalogs for families to look at.

Ms. Hines asked Mr. Click if he would have anything at this facility that would bring in sales tax dollars directly from the facility to the City.

Mr. Click stated that he would be selling urns or caskets at this facility.

Mr. Brewster asked Mr. Click if this facility would be doing funeral services at this location.

Mr. Click said he would be doing funeral services at this location. He stated that he did not envision 100 people there at one time. He said that he knew he was limited in parking, and the existing 15 parking spaces were all he needed.

Mr. Brewster asked Mr. Click if he would do a service like the McGill girls did.

Mr. Click stated that he would do that type of service. He said that if the service required more parking, he would have the service in one of his other funeral homes

or at a church. He stated that the room he would be using at this facility would only hold approximately 20 people.

Ms. Hines referred to the article in the newspaper that stated that part of the services people could watch the cremation; she asked Mr. Click if he planned on enclosing the drive-through area.

Mr. Click said that he did plan on enclosing the drive-through area. He stated that people cannot watch a cremation. He said that people could be in attendance of a cremation.

Mr. Cardwell asked Mr. Click if he planned to store cremains at this facility.

Mr. Click stated that he did not like to store the cremains. He said that if someone did ask him to store them, he had a vault to store them in. He stated that he did not want the liability of storing the cremains.

Mr. Brewster asked Mr. Click what the turn-around time was from getting the body to cremation.

Mr. Click said that as soon as he could get the Loudon County Medical Examiner's approval and the Health Department's approval, he would be ready to do the cremation.

Mr. Newman asked Mr. Click how many funeral homes he had in Loudon County.

Mr. Click stated that he had 3 funeral homes in Loudon County.

Mr. Newman asked Mr. Click if any of the 3 funeral homes in Loudon County had a retort facility.

Mr. Click said that the retort he has been using is in Alcoa.

Mr. Newman asked Mr. Click how many cremations he had done for the City of Loudon in a year.

Mr. Click stated that he had not done any personally in Loudon. He said that the 2 funeral homes that were in Loudon City, the cremations were 23%. He stated that he was surprised at this number.

Mr. Newman asked Mr. Click why he selected this location for the retort over the other 3 locations he owned in Loudon County.

Mr. Click said that the main reason he did not have a retort at any of his locations in Loudon County was because this building was not at any of these locations. He stated that this building was centrally located between Tellico Village and Lenoir City. He said that the facility he used in Tellico Village, he shared with a church.

Mr. Cardwell asked Mr. Click if this retort was to do cremations from all his other funeral homes even the 2 in Knox County.

Mr. Click stated that he would use this retort mainly for Loudon County. He said that it was closer to use the facility in Alcoa for the funeral home on Middlebrook Pike.

Mr. Cardwell asked Mr. Click if the current regulation allow the addition of an additional facility in this building later, or would he be limited to the 1 retort.

Mr. Click said that he did not know the answer. He asked Mr. Botts if he knew the answer to the question.

Mr. Botts stated that he could not give a definite answer to the question. He said there were facilities that had multiple retorts.

Mr. Click said that he didn't see himself putting another retort in this facility. He stated that he planned on putting a retort in all his funeral homes.

Mr. Mike Cartwright, City Councilman, spoke as a concerned citizen. He said to Mr. Click that he was not telling the Board that he would not bring other bodies from Knox County to this facility.

Mr. Click stated that nothing prohibited him from bringing bodies from Knox County to this facility. He said that if the Board made that stipulation, he didn't have a problem with it.

Mr. Cartwright stated that his primary concern was what Mr. Click proposed to use the facility for. He said it sounded like to him that Mr. Click was basically going to use the facility as an office and as a crematory for his other facilities. He referred to the statement Mr. Click had made about helping increase the business for the restaurants in the area. He stated he couldn't see how having only a dozen people at the services at this facility would help the businesses in the area.

Mr. Click said that point he was trying to make was this facility was a place to meet with the families to make arrangements and do the cremation.

Mr. Cartwright asked Mr. Click how many residents from Loudon did he service last year at his other facilities.

Mr. Click stated that he couldn't count the times he had buried people in the area cemeteries.

Mr. Cartwright said that he didn't see the economic boom that Mr. Click was trying to couple this facility with to get acceptance.

Mr. Click said that there were already funeral homes in this area that are well established. He stated that it would take him years to build some kind of business. He said this was not his primary intent. He stated that his intent was if someone came in to the facility to talk with him about a cremation, he would talk with them.

Mr. Cartwright asked Mr. Click if he didn't put a retort in this facility would he put a chapel there.

Mr. Click stated that he had already bought the building. He said if he didn't put a retort in the building, he would have to do something with it.

Mr. Cartwright said that this was one of the highest visibility corners there is in the City of Loudon. He stated that he had gotten a lot of calls from merchants on Hwy. 72 with concerns. He said that personally he felt like there would be a better use than something this small for the City of Loudon.

Mr. Click stated that a funeral home is a big part of the community.

Mr. Cartwright said that he was not trying to downplay any services that the Click family has provided to Loudon County.

Ms. Sara King, a concerned citizen, asked Mr. Click what was preventing him from being able to put a retort in any of the other 3 funeral homes in Loudon County.

Mr. Click stated that nothing prevented him from putting a retort in any of the other funeral homes in Loudon County, other than he never had the facility to put a retort in.

Ms. King asked Mr. Click if he had tried to put a retort in any of the other locations.

Mr. Click said that he had tried to put a retort in his Lenoir City funeral home 10 years ago. He stated that his funeral home in Lenoir City is in a residential area, and there was a house that was approximately 50' away. He said that several

neighbors in the area called and asked him not to put a retort there, and he didn't put a retort in that funeral home.

Ms. King stated that she lived within 1 mile from this property. She said she knew there were other residences within ½ mile from the property.

Mr. Click said that Knox County was trying to address this issue, and they came up with being 500' from the closest residence.

Ms. King asked Mr. Click if there was any kind of an odor when the retort was being used.

Mr. Click stated that there was no odor when the retort was being used. He said that cremation is 1650 degrees, and it was very quick and clean.

Ms. Ailene Longmire said that there was a residence on the corner of Hwy. 72 at the red light where the Hughes family lived.

Mr. J.E. Hughes asked Mr. Click how that would affect his property. He said that Mr. Click has stated that the residents in Lenoir City did not want the crematory in their area. He stated that he did not want the crematory close to his property.

Mr. Click said that he had more facts now about crematories than he did have 10 years ago.

Ms. Longmire asked Mr. Newman about the verbiage on the agenda for the Special Exception. She asked if this was approved, would it mean that if Mr. Click could chose to do just the crematorium and not the funeral/mortuary part.

Mr. Newman stated that the Special Exception request was for the crematory part of the request. He said that when Mr. Click filed for the request with the office, that he was planning to do a funeral home/mortuary in conjunction with the crematory. He stated that when he explained to Mr. Click about the ordinance doesn't specifically address a crematory, that the only way that component could be approved was for the Board of Zoning Appeals to approve it through the Special Exception review process. He said that in his opinion, Mr. Click had the right to put the funeral home in the building, but not with the crematory component without approval from this Board. He stated that there are other funeral homes in the community that are in C-2 or C-1 zoning district.

Ms. Longmire said that the wording means a lot. She stated that a lot of things have happened with the verbiage being voted on.

Mr. Newman stated that he was trying to elaborate the intent was not just a crematory but also the funeral home/mortuary.

Ms. Longmire said that she had spoken with the Tennessee Department of Environmental and Conservation Division of Air Pollution the day before the meeting about this request. She stated that all that had to be done was being permitted, which means there will be new emissions here. She said these emissions would be added to the other emissions that are already here. She stated that this was important to her. She said that Hwy. 72 was the business and commercial base, and this would impact this seriously. She stated that this crematory would hurt their business. She said that many people travel Hwy. 72 everyday. She stated that if she had a family member that had been at this facility, it would be painful for her to go by the facility. She said she would avoid the area. She asked the Board to deny the request.

Mr. Lynn Mills, City Manager for the City of Loudon, asked Mr. Click if he had considered putting the retort in his new facility in Knoxville.

Mr. Click said that he had considered putting a retort in the facility in Knoxville. He stated that this property became available first. He said he had to move quickly on the purchase of this property.

Mr. Mills stated that this property seemed out of the way for the base of his business. He said Mr. Click didn't know how many cremations he would do that would originate in the Loudon community. He asked Ms. McGill how many cremations their funeral home has done.

Ms. McGill said that last year cremations were 24% of their business, which were 18 cremations.

Mr. Mills stated that it seemed to him that the population base would be more toward Lenoir City and Knoxville.

Mr. Click said that this location was centrally located for him with Tellico Village just being down Hwy. 72.

Mr. Mills asked Mr. Click if he planned on adding to the parking lot.

Mr. Click stated that he had all the parking he needed.

Ms. Pat Hunter said that Mr. Click's other facilities had ample parking. She stated that she thought he would need ample parking also.

Mr. Click stated that he could only have so many people. He said that this facility did not have space in it for a large chapel.

Ms. Hunter said that her concern was that Mr. Click would not have adequate parking. She asked Mr. Click how he would address the parking situation if he had 2-3 families at his facility at one time.

Mr. Click stated that he personally thought he had ample parking. He said he would arrange to use another facility.

Mr. Brewster said he didn't know how Mr. Click would know how many people would show up for a service. He stated that parking was another zoning issue.

Mr. Click stated that this was a business decision for him. He said he couldn't have a large crowd and not be able to accommodate them.

Mr. McEachern asked Mr. Click if he was going to have a chapel in this building.

Mr. Click said that it would not be a chapel per say. He stated that he would have a room where a family can come and sit. He said that if he had to buy additional property, it was there to buy.

Ms. Kimberly Roberts had to leave the meeting at this time.

Ms. Renee McGill stated she wanted to clarify to everyone that Mr. Click is her friend. She said that there have been times when she has had to use Click Funeral Home in Knoxville. She stated that she hoped her family had been there for the Click family when they needed them. She said she wanted to address the issue about the size of families and the number of parking spaces. She stated that sometimes they do have to borrow parking from the churches and the banks after hours. She said that normally they know on the front end if they are dealing with a high-profile family. She stated that they have had to use other facilities in the past when they know upfront if there was going to be a lot of people. She said you make those adjustments when it's time to be made. She stated that she has been noticing that families are getting smaller. She said that parking may or may not be an issue for Mr. Click.

Mr. Cartwright asked Mr. Click if he would have to find another facility to have a service if he expected 80 people to come to the service.

Mr. Click said that he would want to use another facility if he knew that there were that many people coming to the service.

Mr. Brewster stated that the Board represents the residents of the City of Loudon. He said that perception does mean a lot. He stated that the funeral homes that Mr. Click owns spread out from Tellico Village and Knoxville to come all the way to Loudon on Hwy. 72. He said that Hwy. 72 is Loudon's future.

Ms. King asked Mr. Click about the name and the attachment. She said that it sounded more to her that the facility will be more an office and crematorium. She asked Mr. Click what he would put on his sign.

Mr. Click stated that his funeral home on Middlebrook Pike had "Click Funerals and Cremations" on his sign. He said this would be his first thought.

Ms. King said that meant there would be a crematorium at this facility.

Mr. Click stated that it was not a crematorium, that it was a retort in a funeral home.

Ms. King said that she didn't understand the separation of crematorium and funeral home.

Ms. Hines asked how many people knew there was a pet crematory in Lenoir City and where it is. She asked Mr. Click how close that crematorium was to a residence.

Mr. Click stated that the pet crematory was close to residences. He said he only had 1 person to object to the pet crematory.

Mr. Brewster asked if the pet crematory was his also.

Mr. Click said that he built the pet crematory.

Ms. Barbara Schrimpsheer Lomax stated that she whole heartedly agreed with what Mr. Cartwright, Ms. Longmire, and the others had said. She said she didn't know how Mr. Click could call this facility a funeral home and expect our community and churches to provide him facilities. She stated that she didn't understand why Mr. Click would try to get away with calling the facility a crematory and want to label it a funeral home that does try to cushion it. She said she lived in Green Acres subdivision, and she was opposed to this request. She stated that, speaking for others, they would like to see Hwy. 72 developed like Lenoir City developed. She said this facility would have an impact on what would be considered for Hwy. 72. She stated that she was proud of what had been developed in the downtown area. She said the new Middle School being built on Hwy. 11 was very close to this

property. She stated that they would like to see something developed there rather than a crematory.

Mr. Click said that he did not want a facility that the community does not want.

Ms. Lomax stated that she had heard a lot from the community, and they didn't want the crematory. She said they really didn't need it, because of what the bulk of what would go on there would be from other communities rather than their community. She stated that she had many friends in Tellico Village, and she thought she could speak for some of her friends that they would not want this in Tellico Village. She said that may be the reason he did not have one out there, but she didn't know.

Mr. Click said that the reason he wanted to do this here was this was a beautiful facility that was sitting vacant that would be perfect for a crematory. He stated that the property butts up next to an industrial park and is zoned C-2 for funeral homes.

Mr. Newman had passed out a summary of the issue what the Board is considering. He gave out some background information and some research information he had gathered from other facilities in the region. He stated that a Special Exception request is required in order to permit proposed land use that is not specifically permitted in any zoning district. He said that the word "crematory" is not listed in any specific zoning district in the City Ordinance. He stated that since it was not already a permitted use, means that the only way it could be addressed was through a Special Exception application. He said for any City Ordinance to stand a legal challenge to it, the community zoning ordinance has to provide someplace for every legal business to operate. He stated that this is why zoning ordinances typically have a Special Exception application process to enable that to be reviewed. He said the other option was to seek amending the zoning ordinance to address a specific request if it is not addressed in the zoning ordinance. He stated that the Board of Zoning Appeals reviewing an application for Special Exception approval was to review the request for the proposed use in the context of other uses that are already permitted in that zoning district. He said that the Board would then determine after reviewing if the proposed use is similar in character to other uses that are already permitted in that zoning district. He stated that in doing this step, it might consist of any negative or positive that may result of that Special Exception use was approved. He said that the options for the Board then was to either approve the Special Exception as requested, approve the Special Exception with conditions to place on the request, or deny the Special Exception. He stated that he had attached some photographs of the only 2 crematories he was aware of in this region that provide cremation services for existing funeral businesses. He explained the location of each and what other uses were in the area. He stated that

after the Gentry-Griffey Funeral Chapel had already gotten their permit for the retort, the City of Knoxville has pursued considering amendments to the zoning ordinance to address any future requests for crematory type operations.

Ms. Hines stated that this issue reminded her when the travel center tried to come to Hwy. 72. She said the zoning ordinance was changed after that. She stated that she didn't see any where in the zoning ordinance to put a crematorium.

Mr. Newman said right now there is nothing in the zoning ordinance.

Mr. McEachern stated it was similar to the solar panels. He said there were no regulations on solar panels in the zoning ordinance.

Mr. Carey asked if the Board needed to ask the City to come up with some regulations for crematoriums.

Mr. Newman said that was one option. He stated that the Board had received a lot of information to read. He said he had not had the opportunity to really research the other existing facilities. He stated that this was a significant enough request that the Board serving the community in the best way they could if they spent a reasonable amount of time to do the kind of research that they needed to come up with an amendment to the zoning regulations to allow crematories somewhere in the community. He recommended to defer making any decision on this specific request until the Planning Commission has had an opportunity to review it, made a decision about how they want to approach it or would they rather do it by amending the ordinance with conditions recommending that to City Council. He said then City Council would make a decision. He stated that the Planning Commission may come back with the decision that they think it is not necessary in this case. He said then the BZA could move ahead with this specific request.

Mr. McEachern stated that getting anything changed would be 6 months.

Ms. Hines suggested that Mr. Click putting together some of the packets that he handed out to be available to the public and defer this decision for this request 30 or 60 days.

Mr. Newman stated that the longest to defer a decision on a request, without the applicant's consent, would be 30 days, and then a decision needs to be made.

Mr. Brewster asked if the consent could be verbal or written.

Mr. Newman said that the consent could be verbal.

Mr. Brewster asked Mr. Click if he would consent to more than 30 days.

Mr. Click stated that he understood that once he got his funeral establishment, that the case law states that a crematory is part of the funeral home. He referred to the lawsuit in Mt. Juliet that ruled against the City. He said then the City had to pay the attorney fees.

Mr. Cardwell said that it said that it was not a use by right but a use by exception. He stated that Knox City was working on what uses were associated with a funeral home. He said that the state law didn't clearly define it, other than saying it was to be part of the business. He asked what part of the other business one had to do in the facility that the retort is the accessory and not the primary function. He stated that the funeral home was not determined by the size being used, it was determined by the function that goes on in the facility. He said the major concern about the facility was that it would turn into a regional crematory.

Mr. Click said that the facility would not be a regional crematory.

Mr. Cardwell made the motion to defer action on this request for 30 days. He stated that making a decision now was pre-mature. He said that research needed to be done before making a decision. He stated that if the Board an incorrect exemption, the Board sets up for a precedent for other businesses of similar nature. He said that this will give the Board additional time to hear additional comments and clarification from Mr. Click to the public. He stated that he did not want to shut Mr. Click down.

Mr. Brewster seconded the motion Mr. Cardwell made.

Mr. Cardwell suggested scanning the information that Mr. Click had passed out and posting on the website for people to review on their own time.

Motion carried 6-1, with Mr. McEachern voting no.

**Additional public comments:** There were none.

**Announcements and/or comments from the Board:** There were none.

Meeting was adjourned approximately 2:20 p.m.

  
\_\_\_\_\_  
Signed

  
\_\_\_\_\_  
Date