



**LOUDON COUNTY  
PLANNING  
& CODES  
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**MINUTES**

**LOUDON REGIONAL PLANNING COMMISSION**

**November 6, 2013**

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

The minutes for the October 2, 2013 meeting were approved.

**Agenda Item A: Consideration of request for site plan approval for proposed 10,640 sq. ft. Dollar General retail store located on Highway 72 N. (north of former United Community Bank Building), referenced on Tax Map 48, Parcel 55.00, Zoned C-2 (Highway Business District), consisting of .91 acres. Owner: Knoxville TVA Employees Credit Union. Applicant: JJK Partners, LLC (File # 13-10-64-SP-LO)**

Mr. Jay Hayes and Mr. Kevin Mulderrig, representatives for JJK Partners, LLC were present.

Mr. Newman stated that this was a concept plan. He said that this plan had 2 variance requests that will be heard in the Board of Zoning Appeals meeting. He explained that the variance requests were to reduce the size of the parking spaces to 9' X 20' instead of the required 10' X 20' and reducing the amount of parking spaces to 37 instead of the required 43. He stated that he will still need the grading plan for the project. He explained the location of the proposed site and the proposed access to the site. He said that the parking was proposed to be in front of the building. He stated that the delivery and loading would be in the rear of the building. He said that the existing curbing would be removed.

Mr. Brewster stated he was concerned with the loading being in the rear of the building. He asked when the delivery trucks would back into the delivery spaces if the roadway would be blocked.

Mr. Hayes stated that the roadway would not be blocked. He explained how the trucks would back up and unload.

Mr. McEachern asked if this was the same company that already had a store across the street. He stated that he didn't like what he saw of the plan.

Mr. Brewster asked Mr. Fagg, with Loudon Utilities, if he had any problem with the plan.

Mr. Fagg said that he had no problems with the drainage.

Mr. Newman stated that the building would be the standard type of building for the Dollar General Store with block going up about 10' and the rest of the building being metal. He said that there were 36' from the back of the building to the road in the back.

Mr. Cardwell asked if their current plan fit our current zoning ordinances.

Mr. Newman said that the plan met the zoning ordinance requirements other than the variances that were required.

Mr. Cardwell asked if the existing curbing were removed if that would affect the flow of the water.

Mr. Newman stated that removing the curbing would not affect the water flow. He explained the drainage from the parking lot.

Mr. McEachern said that they already had one store that was open, they wanted to build another store on a lot that was too small, and they needed a minimum of 2 variances. He stated that it was one thing to ask for fewer parking spaces, but also ask to reduce the size of those parking spaces they would have.

Mr. Hayes stated that the standard size of the parking spaces was what they used everywhere. He said that it was the City of Loudon that required the 10' X 20'.

Mr. McEachern asked how the Commission could justify the variance and treat everyone equal.

Mr. Brewster said that he did not have any issues with the plan, and it would be good for the City. He stated that he did not see a problem reducing the size of the 37 parking spaces.

Mr. McEachern stated that he didn't have a problem with reducing the amount of spaces, but he did have a problem with reducing the size of the parking spaces. He commented that everyone comes to the Board of Zoning Appeals wanting to reduce the size of their parking spaces. He suggested changing the ordinance with different requirements.

Mr. Brewster asked about making the size of the parking spaces 10' X 20' and reduce the number of spaces more.

Mr. McEachern said that would be better for him to consider.

Mr. Carey stated that the size of the parking spaces is different for different types of businesses. He said the parking for employees could possibly be smaller than a business where people would have to open their door out and bring in a shopping cart to unload.

Mr. Brewster asked Mr. Hayes if it would be an issue with Dollar General to reduce the number of spaces and make the size of the parking spaces 10' X 20'.

Mr. Hayes said that it might be an issue to change the size of the parking spaces to Loudon's requirement. He asked if the Board allowed compact parking spaces.

Mr. Carey stated that maybe they could have some big and some smaller.

Mr. Hayes said that the employees could use the smaller parking spaces.

Mr. Newman stated that the employees' parking was designated in the rear.

Mr. Cardwell said that if they did make the parking spaces 10' X 20', there would be a difference of 11 parking spaces from the required amount.

Mr. McEachern stated that Loudon's ordinance is out of step with all the surrounding communities.

Mr. Carey said that this size requirement was made when there were bigger cars, and the ordinance hasn't been changed.

Mr. Newman recommended to approve the concept plan subject to the variances being approved by the Board of Zoning Appeals.

Mr. Brewster made the motion to approve the concept plan contingent that the variances were approved, second was made by Ms. Roberts. Motion carried 8-0.

**Agenda Item B: Consideration of request for site plan approval for proposed expansion of existing Carding Storage mini-storage facility located at 1241 Carding Machine Rd., referenced on Tax Map 40, Parcel 164.02, to add 8 new storage buildings, Zoned C-2 (Highway Business District), consisting of 3.95 Acres. Owner/ Applicant: Robert Keeble (File # 13-10-65-SP-LO)**

Mr. Paul Williams, the engineer, was present.

Mr. Newman explained the location of the site. He stated that they currently have 4 buildings. He said that the remainder of the site has a big hole. He stated that there has been some fill material brought in. He said that before the proposed building could be built, the area needed to be filled in. He stated that even though this area is not presently a detention basin, but there is a lot of drainage that goes through this part of the site right now.

Mr. Williams said there was about 7 to 8 acres that drains onto this property.

Mr. Newman stated that they will be required to detain the runoff due to the site being over 4 acres. He said a new basin will be constructed. He stated that there will also be a new storm pipe that will be added to the site to pick up the off-site water that comes onto the property. He said that the detention will be for this site only. He stated that the proposed elevation of this site will be brought up about 10 feet, which is still lower than the current site.

Mr. Williams said that one of the proposed new buildings will be 2 levels. He stated that this was where it changed grade. He said there will also be a retaining wall near the road, so the elevation would not be steep. He showed on the site plan where there had already been some fill added. He stated that every so often the fill is compacted with a bulldozer.

Mr. Newman said that they were adding access from Roberson Springs Road. He stated there will be a parking lot with 8-10 spaces to be used for campers or RV's.

Mr. Brewster asked Mr. Fagg from Loudon Utilities if he had any concerns.

Mr. Fagg stated that Mr. Williams had answered his questions.

Mr. Cardwell asked if the new access off Roberson Springs Road was wide enough and met the driveway requirements.

Mr. Newman said that the requirements set the maximum width, and the access does not exceed the requirement.

Mr. Cardwell asked if the new access met the minimum requirement.

Mr. Newman stated that the width of the new access driveway was 24' wide, which was 2 travel lanes.

Mr. McEachern asked if the new access driveway would be paved or graveled.

Mr. Newman said that the plan did not say, but the rest of the site was going to be graveled.

Mr. Williams stated that the entrance from Roberson Springs Road would be paved part of the way, and then be graveled the rest of the way.

Mr. McEachern asked if the area the vehicles would set would be graveled.

Mr. Williams said that no one would be staying in the campers or RV's overnight. He stated that this area was designated as the parking area. He said there would be one dump station and one hose connection at the very end of the parking area. He stated that this would be only for those customers who rented there.

Mr. Newman recommended approval for the site plan. He said they have submitted all the required submittals, and they meet the required City regulations.

Mr. Gammons made the motion to approve the site plan, second was made by Ms. Jones. Motion carried 8-0.

**Agenda Item C: Request release of Letter of Credit for Legacy Park Subdivision improvements from RHB Builder & Development, LLC for \$45,000 and replacement with Letter of Credit from Hofferbert Enterprises in amount based on current construction cost estimates. Applicant: Fuad Reveiz, representing Hofferbert Enterprises**

Mr. Fuad Reveiz, representative for Hofferbert Enterprises, was present.

Mr. Newman explained the location of the property. He stated that it was a partially developed subdivision. He said that the subdivision had struggled for a number of years. He stated there was one house originally. He said then they came back to the Planning Commission a few years after that and received approval to place manufactured homes on the lots. He stated that there were 2 doublewides in the subdivision currently. He said that there was not a formal foreclosure process done on the subdivision. He stated that it was probably a renegotiation to re-sell the property, which Hofferbert Enterprises has a contract to purchase. He said there was a current Letter of Credit in place to complete improvements in the development, which is inadequate to cover the actual costs. He stated that this amount was based on costs 6 years ago when it was developed. He said that in order to release the current Letter of Credit, the Planning Commission had to approve it. He stated that another Letter of Credit would take place to handle the improvement costs. He said that Mr. Reveiz had given him construction estimates to take care of these improvements, which totaled to about \$170,000. He stated that they rounded the amount of the Letter of Credit to \$190,000 to cover the remaining improvements. He said that this was the request to the Planning Commission was to release the current Letter of Credit and replace it with a new Letter of Credit.

Mr. Carey said that he was glad that someone was going to do something to the development.

Mr. Jimmy Parks, City Councilman, asked what Hofferbert Enterprises was going to do with the development.

Mr. Reveiz stated that they propose to build homes in the development.

Ms. Hines said that it was a good thing that the Letter of Credit being increased from what it currently was. She made the motion to approve the release of the current Letter of Credit and replacing it with a new Letter of Credit.

Mr. Cardwell asked how long the Letter of Credit was good for.

Mr. Newman stated that the Letter of Credit was good for a year. He said that if the improvements had not been done in that time, the Letter of Credit had to be renewed.

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Mr. Cardwell asked what the time line was to do the improvements for a development.

Mr. Newman said that there was not a time line due to it being market driven. He stated that the Letter of Credit would be maintained until the improvements were completed.

Mr. Brewster asked if there was a list of the improvements needed to be done.

Mr. Newman stated that there was a list of the improvements that needed to be done with the estimates. He said that part of the construction improvements was to add a left-hand turn lane.

Mr. McEachern seconded the motion that Ms. Hines previously made.

Mr. Newman said that the left-hand turn lane would not be needed until there was enough traffic at this site. He stated that the left-hand turn lane may not need to be added until there was about 70% of the project was completed. He said that this was part of the original approval of the plat. He listed other items that were on the original plat approval: a storm drain under the entrance road to carry the water on down Highway 11, the wearing surface of the asphalt needs to be put on the current roads, repair of some broken curbing, street lighting installed, stop and street signs put up, repair and maintenance of the detention basin, maintenance of erosion control during the project, removal of sediment in the catch basins, replace missing grates, and repair and re-seed any disturbed area that is vegetated.

Mr. Fagg asked what the estimated cost of putting the wearing surface down.

Mr. Newman stated that the estimated cost was \$76,000, which was more than adequate.

Mr. Brewster asked if Mr. Newman and Mr. Reveiz had come up those estimates. He also asked if those estimates had been gone over with Mr. Fagg.

Mr. Newman said that he had not shown Mr. Fagg the estimates.

Mr. Brewster stated that \$190,000 sounded like a lot, but what would they be getting into with the detention basin. He didn't know if the basin was adequate in size.

Mr. Newman said the detention basin was all certified by the engineer when it was designed. He stated that the basin had not been functioning as a detention basin right now and wasn't intended to until the project is finished. He said that the reason the basin had water in it was the outlet was stopped up to keep the sediment from washing down. He stated that the basin is supposed to accumulate water during the construction phase.

Mr. Fagg stated that those are not city streets.

Mr. Newman said that they were platted intending to be accepted as city streets.

Mr. Fagg stated that the drainage was a big factor. He said he didn't know what the drainage would cost. He said he didn't know where the water would go once it left the basin. He stated that once it is presented to the City to accept these streets, the drainage would be looked at. He said that if a little was done to keep the water soaked out of the basin and dumping it on someone else, he didn't see the City taking the responsibility of the streets.

Mr. Newman said that he knew it would not be the City in terms of maintenance of the basin. He asked if Mr. Fagg was talking about the drainage on the streets.

Mr. Fagg stated that in the case of this development, the water issue would be the city. He said the city would be dumping all the water in there, and it would be looked at when asked to be a city street.

Mr. Reveiz said that the new owner plans to follow those original plans. He stated that it was his understanding those plans were approved; so whatever it takes to make sure they do what the specs were, that is their intent. He said they will do whatever the plans say.

Mr. Cardwell asked how the Planning Commission could verify the amounts to make sure that it is adequate to bring it up to the required level.

Mr. Newman stated that the only thing they could have to base it on would be if they had an actual construction costs proposal from a subcontractor. He was told by Mr. Reveiz that Hofferbert Enterprises was a construction company and would be doing the work themselves.

Mr. Cardwell asked how they could know that the estimates were correct. He said that in the end, the city ends up holding the bag.

Mr. Newman stated that is why they have added a contingency to the numbers they have provided. He said they had to rely upon his experience in looking at the development. He stated that they could get other estimates from other subcontractors, compare those numbers, and arrive at an amount they felt reasonable.

Mr. McEachern said that anyone who does that type of work will not give a fixed-firm figure unless they give them a fixed-firm date that they will be doing the construction. He stated that the original Letter of Credit was for \$45,000, and they were offering \$190,000. He asked what the down side was.

Mr. Carey stated that they hope to rely on Mr. Newman's experience in the estimations.

Mr. Newman said that he will give the estimates to Mr. Fagg to look at.

Mr. Cardwell asked what the protection to the city would be for a Letter of Credit for 12 months. He stated that a Letter of Credit would be between the developer and the bank.

Mr. Reveiz said that the city would control that Letter of Credit.

Mr. McEachern explained that if this developer defaulted, the city could go to the bank and get the amount for the Letter of Credit. He said then the bank would have to settle with the developer.

Mr. Brewster stated that he agreed with Ms. Hines and Mr. McEachern that going from \$45,000 to \$190,000 for the Letter of Credit was great. He said he was concerned about the water issues, long term and short term, for the city.

Mr. McEachern said that when this development first started, he had gone down to the property with Mr. Carey and saw water going across the neighbor's driveway. He stated that the neighbor did not want this water to be stopped.

Mr. Reveiz stated that their intention was to have everything done in six months, except the top coat and the curb repair.



Ms. Hines amended her motion to say with the approval of Mr. Fagg.

Mr. Fagg stated that the only way the city would accept the streets when it comes up to be right, which is paving done, street lights up, and the drainage problem was solved. He said that he would rather have the \$190,000 than the \$45,000 Letter of Credit.

Mr. Reveiz said once again that they intend to abide to the detention basin details that were on the approved plans.

Mr. McEachern seconded Ms. Hines amendment. Motion carried 8-0.

**Agenda Item D: Review and discuss Tennessee Court Case BMC Enterprise, INC. v. City of Mt. Juliet regarding impact on adoption of standards for operation of crematories in the City of Loudon – Staff**

The Planning Commission recessed to go on to the Board of Zoning Appeals meeting.

The recessed meeting of the Planning Commission was called back to order at 2:05 p.m.

Mr. Newman stated that if they had not read the case that was sent in the agenda packet, there was no need in discussing the case.

Mr. McEachern said that he had read the case, but he didn't see much that could be discussed.

Mr. Newman suggested to postpone discussion until everyone has read the case. He said it would be back on the agenda for next month.

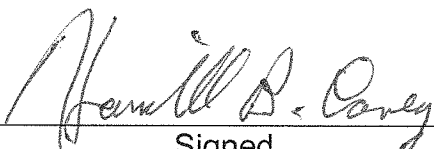
Mr. Cardwell made the motion to postpone discussion on Item D until next month, second was made by Mr. Gammons. Motion carried 5-0 (Mr. Brewster had to leave before voting).

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

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

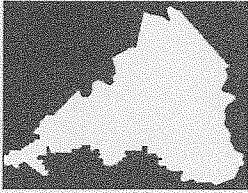
Meeting was adjourned at approximately 2:10 p.m.

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Signed

12/4/13  
Date





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**MINUTES**

**LOUDON BOARD OF ZONING APPEALS**

**November 6, 2013**

The November meeting of the Loudon Board of Zoning Appeals was called to order at approximately 1:40 p.m. Present were Mr. Carey, Mr. McEachern, Mr. Gammons, Mr. Brewster, Mr. Cardwell, Ms. Hines, and Ms. Jones. Absent were Mr. Brennan and Ms. Roberts (had to leave).

Motion to approve the minutes for August 7, 2013 was made by Mr. Cardwell, second was made by Mr. Brewster. Motion carried 7-0.

**Agenda Item A: Consideration of request for variance of minimum parking space dimensions from 200 sq. ft. to 180 sq. ft. per section 14-309, Off - Street Automobile Storage City of Loudon Zoning Ordinance for proposed Dollar General Store, Tax map 48, Parcel 55.00. Applicant: JJK Partners, LLC (File # 13-10-64-SP-LO)**

Mr. Newman stated that this had been discussed when the site plan was being discussed. He asked Mr. Hayes if the spaces could be lengthened and avoid getting the variance.

Mr. Hayes said that if that was what the Board wanted, they would do it.

Mr. Newman stated that they had plenty of space to be able to lengthen the parking spaces.

Ms. Hines stated that she had more of a concern with the reduction of the size of the parking spaces than with reducing the number of parking spaces.

Mr. Newman recommended approving the variance request of 180' instead of the required 200' for the size of the parking spaces.

Mr. Cardwell stated that it needed to be added that the width of the parking spaces needed to be a minimum of 9'. He said this may be something that needed to be addressed in the ordinance on parking spaces.

Mr. Brewster made the motion to approve the variance request, second was made by Ms. Jones. Motion carried 5-2, with Ms. Hines and Mr. McEachern voting No.

**Agenda Item B: Consideration of a request for a 6 space variance for the minimum number of parking spaces required for the proposed Dollar General Store from 43 required spaces to 37 spaces provided, per section 14-309 Off – Street Automobile Storage, City of Loudon Zoning Ordinance. Applicant: JJK Partners, LLC (File # 13-10-64-SP-LO)**

Ms. Hines again stated that she did not have a problem with the number of spaces being reduced.

Mr. Newman recommended approval of the variance request.

Ms. Hines made the motion to approve the variance request, second was made by Mr. Brewster. Motion carried 6-1, with Mr. McEachern voting No.

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

**Announcements and/or comments from the Board:** Mr. Newman announced a lecture that specializes in rural design and planning that would be in Knoxville at the East Tennessee History Center on Gay Street on November 21<sup>st</sup>. He said there will be a lunch provided.

Mr. Brewster asked what the status was on the turn lanes going into the new middle school on Highway 11.

Mr. Newman stated that they are waiting for the utilities to be moved before they can do anything.

Mr. Brewster asked if there was something that the Commission or the City could do to get this going due to it being a safety issue.

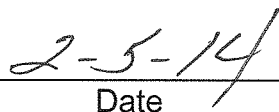
Mr. Cardwell asked Mr. Newman if he could contact the Director of Schools and find out what the holdup is.

Mr. Newman said that he would call the Director of Schools and give a report at the next meeting.

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Meeting was adjourned approximately 2:05 p.m.

  
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Signed

  
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Date