

**LOUDON COUNTY
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MINUTES

LOUDON REGIONAL PLANNING COMMISSION

March 5, 2014

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

A motion to approve the minutes for the February 5, 2014 meeting was made by Ms. Hines, second was by Mr. Gammons. Minutes were approved 7-0.

Agenda Item A: Consideration of request for site plan approval for Bojangles Restaurant, 12300 State Route 72N, Tax Map 40, Parcel 87.00, Lot 3R Cedar Grove Subdivision, Zoned C-4 (Interchange Commercial District), 1.24 acres. Applicant: Bojangles Restaurants, Inc. Owner: Grayling and Joy Littleton. File #14-02-06-SP-LO

The owners, Grayling and Joy Littleton, and the engineer, Mr. Casey Tyree with Barge, Waggoner, Sumner & Cannon, Inc., were present.

Mr. Newman referred to the pictures that were sent in the agenda packet. He stated that this site did not have direct access onto Hwy. 72. He said that there was a common access for the Cedar Grove Subdivision that the drive would access from. He stated that there was also a common detention for the subdivision. He introduced Mr. Tyree.

Mr. Tyree said that this proposed building would be like the recent buildings that Bojangles had been building in Knoxville. He stated that the property had a gas line easement and an underground power line. He said this was the reason that they wanted the 10' X 18' parking spaces.

Mr. Newman stated that they would have 44 parking spaces which met the regulation of number of spaces. He said that the standard size for the parking spaces was 10' X 20'. He stated that there was a request on the Board of Zoning Appeals to reduce the size of the parking space to 10' X 18'. He said that the main issue in the past has been the width of the parking space and not the length. He stated that the drive aisle was more than the standard 24' – 25'.

Mr. Tyree said that the reason for having more than required for the drive aisle was the tractor trailer trucks that would be delivering the food to the rear of the building.

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Mr. Newman stated that the overhang on the parking space would not make a negative impact since the drive aisle was wider.

Mr. Brewster said that he thought it was great that a business would try to fit their plan to that property.

Mr. Carey stated that cars were not as long as they use to be.

Mr. Gammons asked Mr. Tyre how many employees would be hired.

Mr. Tyre said that they would hire approximately 15 employees.

Ms. Hines asked if Cedar Park Drive had ever been accepted by the City.

Mr. Newman stated that he thought Cedar Park Drive had been accepted by the City. He said he would verify that it had been accepted by the City. He stated that it had been completed by the City standards.

Mr. Newman said that the proposed site plan met the City's site plan requirement with the exception of the parking space variance request. He stated that he recommended approval subject to the variance request being approved by the Board of Zoning Appeals.

Mr. Brewster made the motion to approve the request subject to the parking space size variance request being approved by the Board of Zoning Appeals, second was made by Ms. Jones. Motion carried 7-0.

Additional Public Comment: Ms. Betty McCollister asked the Commission how many businesses had been turned down by the Commission and then that business went to Lenoir City. She stated that Mr. Patel had a franchise for three places on Hwy. 72. She said that he finally gave up on the project due to not getting any cooperation.

Ms. Hines stated that other than the Pilot request, she didn't know of anything that was heard by the Planning Commission.

Ms. McCollister also said that there was a horse trailer business that tried to get started in Loudon, but went to Sweetwater.

No one on the Commission remembered a request for a horse trailer business.

Mr. Carey stated that the Commission had not kept a business out of Loudon that he knew of. He explained to Ms. McCollister that the Commission was just as concerned about businesses coming to Loudon as she was, because they wanted business in Loudon.

Mr. Newman said that Mr. Patel had never submitted anything to build on Hwy. 72.

Announcements and/or Comments from the Board/Commission: Mr. Carey stated that he had read in the *News Sentinel* that the City of Knoxville was looking at regulating food trucks that

would be in competition with the local restaurants that pay taxes. He asked the Commission if this was something they needed to look at for the future. He said that it was always better to have regulations in place ahead of something creating a problem.

Mr. Newman stated that the temporary use regulation that was adopted last year would regulate this type of situation.

Mr. Brewster said that he had attended the County Commission meeting Monday night. He stated that Mr. Vance had been asked again about the turn lane in front of Ft. Loudoun Middle School on Hwy. 11. He said that the impression he got was they still had not talked with all of the property owners that the School Board needed to purchase property from to make the turn lane. He stated that one comment that stuck out to him was Mr. Vance said that they would still keep trying to work with the property owners. He said what he understood was that eventually the School Board would ask the City of Loudon to condemn the property needed if a financial agreement with the property owners. He stated that this was never part of what the Planning Commission required the School Board to do. He said this project had to get to completion. He stated that when Mr. Vance had attended the Planning Commission meeting a couple of months ago, that he asked Mr. Vance when this project would be completed. He said that Mr. Vance stated that the project would be completed by spring at the latest. He stated that he had not seen any type of road work done on the project. He asked what the Planning Commission could do to make this project happen.

Mr. Newman said that what he had found out was that on the State right-of-way plan, it showed a 66' right-of-way. He stated that this was more than adequate for widening the road. He said that the problem, according to the surveyor he had talked with, was legally the State considers it as a prescriptive use easement. He stated that this only limits them to what roadway they actually have in place currently. He said any widening of this easement would have to be purchased or donated by the adjoining property owners. He stated they didn't get a deed to the 66' wide strip when the road was originally put through.

Mr. Brewster stated that this was a requirement that the Planning Commission was specific about with the plan.

Mr. Brennan said that he agreed with Mr. Brewster. He stated he was afraid they would wait until there was a serious accident before they did anything.

Mr. Brewster asked if the Planning Commission could ask City Council to make monetary penalties to force the school board to get the project done.

Mr. Newman stated that the Commission did not have any authority in this area. He said the City might have the authority to do something. He stated that they needed to consult with the city attorney about what could be done. He said that the Commission could keep the attention focused on the school board to proceed doing what is required.

Mr. Brewster said that the school board needs to act like this is a priority to them.

Mr. Newman stated that Mr. Vance had told the Commission that the money was available to do the rest of the project. He said that the school board let the burden of acquiring the right-of-way fall back on the superintendent's office. He stated that in reality the construction contractor on the job should have been acquiring the right-of-ways. He said there needed to be an appraisal done to be able to make an offer to the property owners.

Ms. Jones said that City Council had talked about the situation at last month's meeting. She stated that asked for it to go back on this month's agenda for the speed limit to be changed through this area. She said that it was a hazard not having a turn lane on Hwy. 11 in front of the middle school.

Mr. Newman stated that City Council could change the speed limit through that area and place flashing lights up.

Mr. Brewster asked Ms. Jones if someone from the Planning Commission needed to be at the council meeting when this was on the agenda to back her up. He asked if the Commission was unanimous in wanting this done.

Everyone on the Commission agreed that they wanted this done.

Ms. Hines asked if the City Council could put up the flashing lights.

Mr. Brewster said that City Council could require the school board to do this.

Ms. Jones asked Mr. Brewster if he would come to the meeting that would be held Monday night.

Mr. Brewster said he would come to the meeting. He asked Mr. Newman if he would also be available.

Mr. Newman stated that he could come to the meeting. He said that these issues could be taken care of before the turn lane was done.

Mr. Brennan said that all of the issues needed to be done concurrently.

Mr. Brewster stated that not only addressing the school zone speed limit and flashing lights, they could ask City Council what they could do to force the school board in completing this project.

Mr. Carey, chairman, designated Mr. Brewster as the Planning Commission representative for the City Council workshop.

Ms. Hunter said that the long discussion at a meeting the previous night was more about sports than safety of the children. She stated that she understood that the money for the turn lane was supposed to come out of the \$43 million. She said looking at the capital projects budget of the three school building projects; she didn't see money allocated for the turn lanes.

Mr. Brewster stated that when Mr. Vance met with the Planning Commission a few months back, he said that the money to use on the turn lanes was money they were going to use to move the

utilities on the project. He asked Ms. Hunter if there was a line item for utilities in the capital projects budget.

Ms. Hunter said she did not see it on there. She stated that she was going to ask them where the money is for the turn lane on the capital projects budget. She said she did not want this project to fall between the cracks. She stated that when she talked with Mr. Campbell, Property Assessor, about giving estimates on the property to Mr. Vance; Mr. Campbell said he was waiting for Mr. Vance to get back with him. She said this needs to be a bigger priority. She asked the Planning Commission to stress with the school board the importance of this project being completed.

Mr. Newman asked Ms. Hunter if the school board talked about this topic at last night's meeting.

Ms. Hunter stated that the school board had talked about it at the workshop. She said that Mr. Vance was supposed to be doing something. She stated that there is nothing conclusive.

Mr. Newman asked Ms. Hunter if her impression was that the school board has an expectation that something concrete is going to be coming forth.

Ms. Hunter said that she thinks the school board thinks that Mr. Vance is working on it. She stated that this is the time to start working this out rather than resort to condemnation. She said that if a letter was written to their lawyer, he would feel like this would be a liability to the school.

Mr. Carey stated that he was surprised that the school board does not have this issue as a top priority.

Mr. Brewster said he was glad that the Planning Commission was united in getting some type of resolution done as soon as possible.

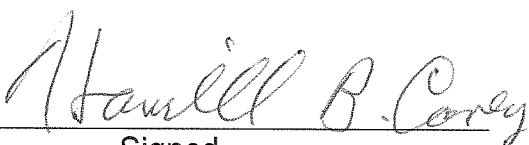
Ms. Roberts suggested sending a letter to the school board lawyers.

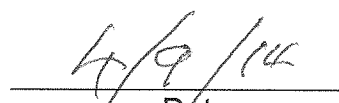
Mr. Gammons asked the Commission what could be done about the red light at the intersection of Hwy.72 and Carding Machine Road.

Mr. Brennan said that the sensors were broken.

Mr. Newman stated that the sensors need to be replaced. He referred Mr. Gammons to Mr. Bill Fagg with the City of Loudon.

Meeting was adjourned at approximately 1:10 p.m.


Signed


Date



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MINUTES

LOUDON BOARD OF ZONING APPEALS

March 5, 2014

The March meeting of the Loudon Board of Zoning Appeals was called to order at approximately 1:06 p.m. Present were Mr. Carey, Mr. Brennan, Mr. Gammons, Mr. Brewster, Ms. Hines, Ms. Roberts, and Ms. Jones. Absent were Mr. McEachern and Mr. Cardwell.

Motion to approve the minutes for February 5, 2014 was made by Ms. Hines, second was made by Mr. Gammons. Motion carried 7-0.

Agenda Item A: Consideration of request for a 20 sq. ft. variance to reduce the size of parking spaces for a proposed Bojangles Restaurant from 200 sq. ft. to 180 sq. ft., parking space dimensions would be 10 x 18, 12300 State Route 72N, Zoned C-4, Tax Map 40, Parcel 87.00. Applicant: Bojangles Restaurants, Inc. Mr. Tyree, the engineer with Barge, Waggoner, Sumner, & Cannon, Inc., was present.

Mr. Carey stated that this request was for adjusting the length of the parking spaces.

Mr. Newman said that as stated in the Planning Commission meeting, there is a hardship related to the gas line easement on the property.

Mr. Brennan stated that the main thing was they were staying with the required width of the parking spaces.

Mr. Tyree said there was an environmental reason for the reduced size of the parking spaces. He stated there would be less pavement and better water quality.

Mr. Newman recommended approval of the variance request.

Mr. Brennan made the motion to approve the variance request, second was made by Ms. Roberts. Motion carried 7-0.

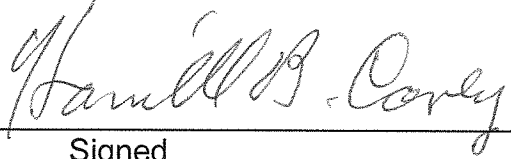
Ms. Hines asked Mr. Tyree about the lighting. She informed him of the resident who lived on the hill from this property being concerned with lights that would glare into his home. She said he had commented that he didn't want everything around him turning into a big industrial park.

Mr. Tyree stated that there would not be an extensive glare. He said that all Bojangles' elevations were significantly below the site above.

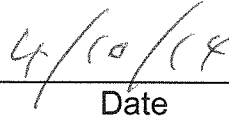
Additional public comments: There were none.

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

Meeting was adjourned approximately at 1:25 p.m.



Signed



Date