



**LOUDON COUNTY
PLANNING
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ENFORCEMENT OFFICE**

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MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

October 15, 2013

The October meeting of the Loudon County Regional Planning Commission was called to order at 5:30 p.m. Present were Mr. Brown, Mr. Luttrell, Mr. McEachern, Ms. McNew, Mr. Jim Brooks, Ms. Cardwell, Ms. Terry, Ms. Ross, Mr. Hale, Mr. Napier, and Mr. Bright.

Motion to approve the minutes for the September 17, 2013 meeting was made by Mr. Luttrell, seconded by Ms. Cardwell, and approved 11-0.

Agenda Item A: Consideration of request to rezone two parcels of property located at the corner of Town Creek Rd. and Myers Rd. from R-1 (Suburban Residential District) to C-2 (General Commercial District), Referenced on Tax Map 20C, Group A, Parcels 2.00 and 4.00, Consisting of 2.53 acres, 2nd Legislative District. Owner: Kathy Reed and George Sarten, Jr. File# 13-10-61-RZ-CO.

Ms. Reed was present.

Mr. Newman referred to the photograph that was included in the agenda package. He corrected an error that was on the agenda by stating that the property was 2.99 acres instead of 2.53 acres. He stated that this property was behind the greenway trail in the city of Lenoir City. He said that the property had been used for years as a storage yard for part of their business. He stated that the storage yard was completely fenced in with a commercial building being used as an office. He said that Ms. Reed and her family owned Darter Steel and used this property to store some of their products. He stated that the property was a grandfathered, non-conforming use for years. He said that the family was considering selling the property and wanted to address the future use issue. He agreed with the family that the property did not have a residential value. He stated that with the area fenced in it could be some kind of general commercial use. He said that due to the slope of the property, it would not be suitable for retail. He stated that one prospective buyer was interested in having a storage yard for vehicles (not a junk yard) that he could sell. He said that Ms. Reed and Mr. Sarten had talked to the City of Lenoir City about the rezoning. He stated that he had received a letter from the Mayor of Lenoir City stating the City's support of the rezoning for business use for this property. He said there were some commercial zoned properties in the area, but not adjacent to the property. He stated that there was no residential use close to the property.

Ms. Reed said that the property was a grandfathered scrap yard. She stated that have the property rezoned through the county and city would be an improvement.

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Mr. Newman recommended to approve the rezoning request to C-2. He stated that the use on this property had been commercial, light industrial for years as part of their business operation. He said that the location of the property was fairly isolated. He stated that the continued use would not have any negative impact on any of the other surrounding area uses.

Mr. McEachern made the motion to approve the rezoning request, second was made by Mr. Brooks. Motion carried 11-0.

Agenda Item B: Consideration of request for final plat approval to resubdivide Tellico Senior Living Development into 3 lots (Lot 1, Lot 1R, and Lot 2R) consisting of 27.27 acres for a new independent living complex and 17 duplex units, Referenced on Tax Map 68G, Group E, Parcels 1.01, 1.02, 25.00-61.00, 86.00-89.00, and 95.00-98.00, Located off Chatuga Drive, Tellico Village, Zoned R-1/PUD, 7th Legislative District. Owners: FSQC Tellico Village, LLC and Tellico Village Property Owners' Association. File#13-09-59-SU-CO.
Mr. Wade Lovin, the surveyor, was present.

Mr. Newman explained to the Commission that the Board of Zoning Appeals approved an amendment to the approved final development plan. He stated that the property had originally been developed for a senior living community. He informed the Commission that this property was acquired after the original Tellico Village property had been set aside. He said that Loudon County had the planning and land use jurisdiction on this property. He stated that the property is currently called the Neighborhood of Tellico Village. He pointed out what had already been developed and what they propose to develop. He stated that the duplexes are independent living units that people would buy. He said that one of the proposed buildings would also be a multiple independent living building. He stated that the request is to revise the final plat into 3 different lots. He said that they propose to increase the size of the lot with the assisted living complex and eliminating most of the unbuilt duplex lots.

Mr. Newman recommended to approve the request subject to a Letter of Credit provided to finish the road.

Mr. Luttrell made the motion to approve the request subject to the administrative requirement of the Letter of Credit to finish the road, second was made by Mr. McEachern. Motion carried 11-0.

Agenda Item C: Consideration of a request for approval of a 1 lot final plat with Joint Permanent Easement located on Big Sandy Rd., Referenced on Tax Map 45, Part of Parcel 13.00, Consisting of 3.04 acres, Zoned A-1(Agricultural/Forestry), 4th Legislative District. Owners: Richard and Shirley Greene. File# 13-10-60-SU-CO.
Mr. and Mrs. Greene were present.

Mr. Newman referred to the tax map and other information on the property that was included in the agenda package. He stated that parcel that Mr. and Mrs. Greene owned was about 25 acres. He explained the location of the property. He said that the Greene's plan to build their retirement home on this property and also build their daughter a house on part of this property. He stated that due to only having 50' of road frontage on Big Sandy Road, their only option is to propose a Joint Permanent Easement, which would be 25' wide and 500' in length with a turn around at the end. He said that this would provide access to the 3 acre proposed lot for their daughter's home.

Mr. Newman recommended to approve the request subject to provision of a maintenance agreement for the Joint Permanent Easement with completion of the driveway with the turn around within the easement.

Mr. Napier made the motion to approve the request, second was made by Mr. Bright. Motion carried 11-0.

Agenda Item D: Discuss issues concerning construction borrow pits. Martin Brown, Chairman.

Mr. Brown voiced his concerns over two different properties, one off of Hwy. 321 near I-40 (City of Lenoir City) and the other one in the Sugarlimb Industrial Park (proposed Del Conca plant), where there were doing construction borrow pits. He stated that the borrow pit near I-40 was where they were actually selling dirt. He said that these pits were a huge eye sore on large pieces of property. He stated that there were no regulations on borrow pits. He said he thought that the EPA use to regulate them.

Mr. Newman stated that they do have to get a permit from the State if they were going to disturb soil that is 1 acre or more.

Mr. Brown asked the Planning Commission to think about this concern and if they think the Commission needed to set some regulations on the borrow pits. He asked Mr. Newman if he could look into the situation to see if anything could be done.

Ms. Ross said that she was devastated when she saw the results of the borrow pit on I-40. She asked if the Commission wanted this to be done in Loudon County without any kind of regulations on them.

Mr. Newman stated that he could look at other regulations on how other communities were handling it. He said he would report back to the Commission on what he finds out. He stated that there were certain areas in Loudon County where we do have the authority to regulate. He said it was very limited in the county. He stated that under the County's Stormwater permit program, the areas were between Hwy. 11 and Hwy. 70 between Lenoir City and Knox County only. He said this Stormwater permit was issued for those who disturbed 1 acre or more. He stated that plans had to be submitted to the Planning Office when applying for the permit. He said the plans would tell how much land would be cut away from the property, what the remediation would be afterward, and what type of erosion control would be in place during construction.

The Commission agreed to have Mr. Newman come back with a report on what other communities were doing about borrow pits.

Planning and Codes Department Building Activity Report for the month of September, 2013: Mr. Newman gave the building report for the month of September, 2013.

County Commission Action on Planning Commission recommendations: There were none.

Additional Public Comment: Mr. Edmond Smith, 1710 McGhee Rd. in Greenback, asked for

the Planning Commission's help in what to do about the property next to him that was raising game chickens. He said that the people were renters. He said they keep bringing more in. He stated that Mr. Boling, Zoning Inspector, had been out and written them a warning to clean up the property. He said that he couldn't sleep at night for the noise from the chickens. He stated that he wanted to do the right thing.

Mr. Brown asked what the property was zoned.

Mr. Newman said the property was zoned agricultural.

Mr. Brown asked Mr. Smith if the animals were being humanely cared for.

Mr. Smith stated that he had seen them pick the chickens up and throwing them on other chickens making them fight. He said he had talked with the sheriff's office several times. He stated that the sheriff deputies said they had to actually catch them doing this.

Mr. Brown asked Mr. Smith if he had talked with Animal Control.

Mr. Smith said that he had talked with Animal Control. He stated that Mr. Boling said he had talked with Animal Control.

Mr. McEachern asked who they were renting the property from.

Mr. Smith stated that the owner was Allen Tarwater.

Mr. Newman asked Mr. Smith if he had talked with Mr. Tarwater about the chickens.

Mr. Smith said that he had talked with Mr. Tarwater several times about the chickens.

Mr. Newman stated that the office had been to the property about the violation of garbage on the property. He said that they have complied. He stated that the Planning Office did not have any authority over, because there are no regulations on animals.

Mr. Bright suggested to Mr. Smith to place a tree barrier up on his property.

Mr. Smith said that there were oak trees all over his property. He stated that when the leaves fall off the trees, the sound will be worse.

Mr. Brown stated that Leland spruce trees planted close together made a good barrier, and they grow quickly.

Mr. Brown said that he didn't know what the Commission could do to help him. He stated that he would talk to the people at Animal Control within the next week.

Mr. Newman suggested to Mr. Smith to talk to County Commission. He stated that the County Commission could direct the Planning Commission to draft a regulation about animals.

Comments from the Commission: There were none.

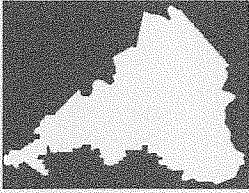
Mr. Luttrell made the motion to adjourn. Meeting was adjourned at approximately 6:15 p.m.



Signed



Date



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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

October 15, 2013

The October meeting of the Loudon County Board of Zoning Appeals was called to order at 6:20 p.m. Present were Mr. Brown, Mr. Luttrell, Mr. McEachern, Mr. Bright, and Ms. Terry.

Mr. Brown, Chairman of the Board, swore in those who were to give testimony in the meeting.

Motion to approve the September 17, 2013 minutes was made by Mr. McEachern, second was made by Ms. Terry. Motion carried 5-0.

Agenda Item A: Consideration of request for special exception approval to have an accessory use (tennis court) on lot without a primary use, located at 2080 Wilkerson Rd., Lenoir City, Referenced on Tax Map 17N, Group B, Parcel 3.00, Zoned A-2, 6th Legislative District. Owner: Alan Sefton

Mr. Richard LeMay, the engineer, was present representing Mr. Sefton.

Mr. Newman stated that this lot is adjacent to the parcel that Mr. Sefton has his house on. He said Mr. Sefton was not interested in combining the two lots.

Mr. McEachern asked if there would be any other structures other than the tennis court on this lot.

Mr. LeMay said that there would be no other structures on this lot. He stated that Mr. Sefton would access the tennis courts from his house, not from Wilkerson Road.

Mr. Newman recommended approval for the Special Exception request.

Mr. McEachern made the motion to approve the Special Exception request, second was made by Ms. Terry. Motion carried 5-0.

Agenda Item B: Consideration of request for special exception approval to have an accessory structure on a parcel without a primary structure, located at 1466 Wheat Rd., Lenoir City, Referenced on Tax Map 14, Parcel 26.10, Zoned A-1, 5th Legislative District. Owner: Joey Garner

Mr. Garner, the father of Joey Garner, was present.

Mr. Newman stated that Mr. Joey Garner had sent a written memo about the request. He explained the location of the property. He said that this property was not in a subdivision. He stated that the owner of the farm had divided the property up in tracts with flag lots and common accesses. He said that Mr. Garner owned an existing home that he was trying to sell. He stated that in Mr. Garner's memo he said that once he sells his house, he planned to proceed in building the new residence on this property. He said that Mr. Garner wanted to build the accessory structure to be able to store their personal items and some of the materials to build the home. He stated that Mr. Garner says in his memo that after the house is built; he planned on putting a woodworking shop in the building.

Mr. McEachern asked what kind of material the building would be made out of.

The father of Mr. Garner said that it would be a 40' X 80' steel building.

Mr. McEachern stated that the accessory structure would need to be behind the proposed primary structure.

Mr. Garner said that the accessory structure would be behind the proposed building site for the house.

Mr. McEachern asked Mr. Garner what would be going in the accessory structure.

Mr. Garner stated that it would be used for storage until the house was built, then he said that it would be used for wood working and metal working.

Mr. McEachern asked Mr. Garner if power and septic would be hooked up to this accessory structure.

Mr. Garner said that it would have power and have a septic tank.

Mr. Brown asked Mr. Garner if he planned on running a business out of the accessory structure in the future.

Mr. Garner stated that it would not be a business.

Mr. Newman recommended approval for the Special Exception request subject to the primary structure being built within 12 months of the construction of the accessory structure with the understanding the accessory structure could only be used for personal purposes.

Mr. McEachern stated that if there were going to be rules, he didn't see why it should be broken.

Mr. Bright made the motion to approve the Special Exception request subject that the accessory structure would be behind the primary structure with 1 year to start the primary structure, second was made by Mr. McEachern. Motion carried 5-0.

Mr. Newman said that he would send a letter summarizing the approval to Mr. Joey Garner.

Agenda Item C: Consideration of request for special exception approval for multi-family use of Lot 1, Jackson Crossing Subdivision, to construct 3 duplex units on two acres, Referenced on Tax Map 10K, Group B, Parcel 1.00, Zoned R-1/PUD for 3.0 units/acre, 5th Legislative District. Owner: Southern Heritage Bank. Applicant: Daniel Parker, Realtor, Agent for Developers

Mr. Parker was present.

Mr. Newman explained the location of the property. He stated that this subdivision was started in 2005. He said that about half of the original plan was for detached, single-family lots, and the other half would have attached condominium units. He stated about 8 of the condominium units had been completed, even though they have not been sold. He said that most of these units were being rented. He stated that the remaining lots were undeveloped. He said that the original developers did not designate any proposed use for Lot 1. He stated that they were anticipating after the development was finished, they would come back to have this lot rezoned to commercial. He said that when they did the original plat, they did not include this lot for the subdivision covenants and restrictions. He stated that Lot 1 had road frontage on Hwy. 70 and had access on Old Hickory Lane. He said this lot was the first lot you would see when you come into the subdivision. He stated that the bank now owns the property, which was taken back from the original developer.

Mr. Parker said that what they propose to do on this lot was what they had done before on Concord Road in Farragut. He stated that these duplexes tend to appeal to single dwellers who lease anywhere from 4 to 6 years. He said that the investors he had showed this property to thought it would be a good use. He stated that what would appeal to people would be the location (close to Turkey Creek shopping). He

said that it would only have one entrance to the lot and then split off into private drives for each unit. He stated that there would be a berm in front of the lot with landscaping. He said that it was a lot like a small development within a development. He stated that they would be one-level rental units with each having a garage. He said that the cost of this development was approximately \$750,000. He stated that they had talked to the current HOA president and confirmed that this lot was not in the association.

Mr. Jim Scobey, lives at 1807 Old Hickory Lane, stated that his concern was that anyone coming into Jackson Crossing would think that this lot was a part of Jackson Crossing due to the one entrance into Jackson Crossing. He said that he was also concerned that the property values would be hurt. He asked Mr. Parker if there would be a separate sign.

Mr. Parker said there would not be a separate sign. He stated that he had talked with the HOA president prior to making any offer on the lot with what their intentions were.

Mr. Scobey stated that the current HOA president was appointed by the bank. He said that the HOA president did not live in Jackson Crossing.

Ms. Tanya Ketterman, lives at 1732 Old Hickory Lane, stated that her concern was this lot was the only part of the development that was not part of their HOA covenants. She said that anything that happened in the duplexes would affect the entire subdivision. She stated that the people living in the duplexes would not have to abide by the subdivision covenants. She said there was no proof that these residents would live there long term.

Mr. Brown asked Ms. Ketterman what she would want to be on Lot 1 of Jackson Crossing.

Ms. Ketterman said that they understood from their bank that the lot would eventually be zoned light commercial.

Mr. Brown asked Ms. Ketterman if she would prefer a Weigels to be on this lot rather than some houses. He said that Loudon County did not have a light commercial zoning. He stated that there was only a C-1 and a C-2 zoning.

Ms. Ketterman stated that they understood that the communication has not been good. She said they just found out that instead of the lot being commercial; it was now going to be residential. She stated that the bank had sent out notices to the property owners that Lot 1 was not zoned for single family or for condos, but it was

zoned residential. She asked if the only thing that could be built on this lot was duplexes.

Mr. Brown responded that duplexes were not the only thing that could be built on the lot.

Mr. McEachern stated that townhouses could be built on the lot.

Mr. Brown said that 6 condos could be built on the lot.

Ms. Ketterman stated that the main concern for the property owners was that this lot was not a part of the subdivision covenants and that this lot would be the first lot to see driving into the subdivision. She said that there would be no sign to indicate that this lot was separate from the subdivision. She stated that she had asked Mr. Newman in a previous telephone conversation if the entrance to this lot could come off of Hwy. 70. She emphasized that this lot was a complete separation from the rest of the subdivision.

Mr. Brown said that he didn't think the Board would agree to the entrance to the lot coming off of Hwy. 70.

Ms. Ketterman asked why this could not happen.

Mr. McEachern stated that it would be another turn off from a major highway when there is already a side street.

Mr. Newman said that the left turn lane was not extended down far enough. He stated this was an extremely dangerous situation there.

Mr. Brown stated whatever is built on this lot would have the entrance from the subdivision road.

Ms. Terry asked if there would be a problem to add this lot to the subdivision covenants and restrictions.

Mr. Parker said that the current owners of the lot did not want to be part of HOA.

Mr. Brown asked Mr. Parker why the owners did not want to be part of the HOA.

Mr. Parker stated that the renters would have an extra \$100 a month expense they would have to pay to belong to the HOA.

Ms. Ketterman said that the property owner only pay \$50 a month to belong to the HOA. She stated that anyone paying \$1,000 a month in rent could afford to pay \$50 to be able to belong to the HOA.

Mr. Parker stated that this was one of the reasons they pursued the property, because the lot was not part of the subdivision covenants and restrictions. He said they got clarification of this in writing before purchasing the lot.

Mr. Brown said that he felt like the current property owners had a legitimate concern. He stated that he was supportive of what Mr. Parker was trying to do, but he felt like the current property owners had a concern that they had no control over what was part of their subdivision.

Ms. Terry stated that the renters would be using the entrance to their subdivision, but the renters would not participate in the HOA.

Mr. Bright said the renters when asked where they lived would say they lived in Jackson Crossing.

Ms. Ketterman stated that she was also concerned about the property values.

Mr. McEachern said that if the original developers had proposed that this lot be commercial and did not include it in the subdivision covenants and restrictions, it was not being used as commercial; he thought it should be part of the subdivision. He stated that if it was going to be residential, it needed to follow the same subdivision covenants and restrictions as everybody else.

Mr. Newman stated that the Board did not have any authority to force the subdivision covenants and restrictions on this lot. He said that the bank who owns the development is the controlling entity now. He stated that the Board could deny the request for Special Exception.

Mr. Brown said that he was not inclined to approve the request if they are not a part of the subdivision covenants.

Mr. David Ketterman, who lives on 1732 Old Hickory Lane, said that when he bought into the subdivision, they were told that there would be something that would be built that would be beneficial to the community on this lot, something like a small daycare.

Mr. Brown stated that the Board could not regulate what Mr. Ketterman was told. He said that the Board understood their opposition.

Mr. Parker said that they had done the same plan in another subdivision that has worked out very well. He stated that they had gone through the normal contact with the HOA president.

Mr. McEachern stated that the HOA president didn't have a penny invested, and they have their lives invested.

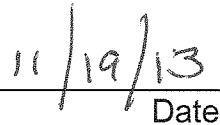
Mr. McEachern made the motion to deny the Special Exception request, second was made by Ms. Terry. Motion carried 4-1 with Mr. Luttrell voting no.

Additional public comments: There were none.

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

Mr. McEachern made the motion to adjourn. Meeting was adjourned at approximately 6:50 p.m.


Signed


Date