

**LOUDON COUNTY
PLANNING
& CODES
ENFORCEMENT OFFICE**

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MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

August 19, 2014

The August 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. Terry, Mr. Lee, Ms. Ross, Mr. Bright, and Mr. Napier. Absent was Ms. Cardwell.

Motion to approve the minutes for the June 17, 2014 meeting was made by Mr. McEachern, seconded by Mr. Luttrell, and approved 10-0.

Agenda Item A: Consideration of request to rezone approximately 38.1 acres from A-2 (Rural Residential District) to R-1/PUD (Suburban Residential District/Planned Unit Development, 1.5 units per acre), located on Coytee Rd, River Cove Subdivision (Yellow Wood Subdivision), Phase I, referenced on Tax Map 51B, Group A, Parcels 1.00-20.00, 22.00, 8.03, and part of 8.00, 3rd Legislative District Owner: Stewart and Deborah Rossi File #14-06-39-RZ-CO

Mr. and Mrs. Rossi were present.

Mrs. Rossi stated that her soil scientist, Mr. Dave McKinney, was with her if anyone had any questions. She said their proposal was to change the zoning from A-2 to R-1/PUD. She stated that rather than having housing lined up in a row like a typical subdivision, they proposed to cluster the homes. She said that would save having to put a driveway to each home, and they would share an entrance coming into the cluster. She stated this would require less asphalt and a better community feeling than just having rows of houses. She said they had approval from TDEC for an alternate septic system which is processing the blackened gray water on site. She stated that the dispersal of water would be processed, filtered, and cleansed. She said it would go through a pipe to an area in the back of the property which is dispersed to a low-pressure pipe similar to a sprinkler system. She stated that it would be filtered another time similar to a regular septic field. She said that this type of system would be less impact to the ground. She stated they had plans to plant native plants, and the environment was a natural setting.

Mr. Brown asked Mrs. Rossi about the utility water.

Mrs. Rossi said that the water was currently at the corner of Coytee Road. She stated they plan to bring the water down Coytee Road. She said that utility for the water was TASS.

Mr. Brown asked Mrs. Rossi if she had an agreement with TASS to provide water.

Mrs. Rossi stated that she had spoken to TASS, and they had sent her to the person who does the installation of the water. She said that he had agreed to install the water. She stated that they had this in the works.

Mr. Lynn Bright said that his property adjoins this proposed development. He stated that he didn't know how they could run the water line along the road. He said that the road was very narrow. He said he was concerned about the location of this development. He stated that this property was in the middle of no where. He said he couldn't see why people would want to build in this location. He stated he was concerned with erosion going into Tellico Lake. He said when the Rossi's developed Yellow Wood Subdivision, there was an bad erosion problem on the road for 5 years. He stated that another neighbor, Mr. McDonald, had gotten the State involved on the erosion problem before it was ever corrected. He said he was afraid this development would be a failure if the Rossi's did not have the proper resources to do the development correctly.

Mr. Ted McDonald stated that his property also adjoined this proposed development. He said his property was the property that got all the mud. He stated he had reviewed the previous construction plat for Yellow Wood, Phase I. He said that the Rossi's did not do anything they said they would do to control erosion. He stated that the plat showed 2 sediment traps that were not built. He said that there were 3 improved swells that were not done. He stated that due to this not being done, he received several acres of mud. He stated that the mud was not completely fixed at this point. He said that TDEC helped him get this erosion problem corrected. He stated that TDEC said they had done all they could do without some major improvements. He said that some of the proposed lots (lots 39-41 and 42-46) were directly above the Baxter-Bright Road. He stated that this was the area where the previous problems were with erosion. He said it looked from the proposed plan that the Rossi's planned on building addition roads. He stated that this would require a lot of dirt to be moved. He said that if the mud got any worse, he would have to taken action on it. He suggested to the Commission that they require the Rossi's to go back and follow the rules of Phase I, which required putting in the 2 sediment traps. He stated that this would help a lot with the erosion and mud on his property.

Mrs. Rossi said that they had planted vegetation everywhere. She stated she would like to see some photographs of what Mr. McDonald was talking about. She said there was no mud anywhere. She stated that the water comes off their hill clean. She said that the hill Mr. McDonald referred to, they had planted vegetation three times. She stated that there was no runoff. She said that the original plat for Yellow Wood was approved for 38 lots. She stated that the proposed lots were only using 6 lots of original 8 lots in Yellow Wood on Yellow Wood Lane that goes beside Mr. McDonald's property. She said Mr. McDonald's property was up the hill with a creek in between. She stated that she did not see how any mud could impact Mr. McDonald's property. She said that lots 57-59 that are on Summit Hill Drive will not be built on. She stated that these lots were bordering Mr. McDonald's property. She said that other property that Mr. McDonald referred to would be built without cuts into the property.

Mr. Rossi addressed that statement from Mr. Bright about the Yellow Wood failed community. He said that Mr. Bright failed to mention that they had gone through a real estate recession for 8-9 years. He stated that they had managed to pay the county approximately \$18,000 a year in real estate taxes for the last 8-9 years. He said they had not gone bust, and they had the assets to go further on this development. He stated that he had talked with TDEC, and they had built bridges

across where the water was running to stop the mud and put down filter paper. He said they did everything that TDEC required them to do.

Mr. Luttrell stated that the number of acres was different on this month's request from the request that was on June's agenda, which was postponed. He said that it went from 27 acres in June to 38 acres and density to 1.5 units per acre this month. He asked Mrs. Rossi what changed from June's request.

Mrs. Rossi said that they allocated more property to the request by making the density less.

Mr. Napier asked Mrs. Rossi if they were going to build the sediment traps.

Mrs. Rossi stated that the sediment traps had been built during the construction of the previous development, but they were moved from the location on the plat. She said they filled them after the construction of the development was over. She stated that those sediment traps had no bearing on this proposed development. She said that when they come back to the Commission with their preliminary plat approval, it will show how the construction will be done. She stated that this request was about rezoning the property.

Mr. Brown said that she was correct.

Mr. Brooks asked Mr. McDonald if his property joined Coytee Road.

Mr. McDonald stated that his property did not join Coytee Road.

Mr. Bright said that Mr. McDonald's property was in front of the cove.

Mr. Brooks stated that Mr. McDonald's property was not up hill from this development.

Mr. Rossi said that Mr. McDonald did not have a house on this property. He said that Mr. McDonald's property was vacant land.

Mr. Brooks asked Mrs. Rossi if she had signed a contract with TASS.

Mrs. Rossi stated that they had sent her the paperwork.

Mr. Brooks said that she was a long way from getting TASS' approval.

Mrs. Rossi stated that TASS said there was no issue. She said they would have to run the water line from the corner of Coytee to their development which was 3,300'.

Mr. Brooks said he had misunderstood what Mrs. Rossi had said about TASS' approval. He stated that TASS would not run the water to the development.

Mrs. Rossi stated they were in the process of getting this water line to the development. She said that there was enough room along the road. She stated that the person they were going to contract to run the water line said there was no issue running the water along the road. She said

that this development went up hill. She stated that the property that adjoined Mr. McDonald's property below them was not going to be built on.

Mr. McEachern asked how wide Coytee Road was.

Mr. Brooks said that the Coytee Road was not very wide.

Mrs. Rossi stated that the Highway Superintendent, Mr. Eddie Simpson, said they had intentions of widening Coytee Road. She said that Mr. Simpson was supposed to have sent a letter to the Commission stating that there were intentions to widen Coytee Road.

Mr. Brown pointed out to the Commission that there was no R-1 zoning in the area. He stated that all the property in this area was zoned A-2. He said that it was spot zoning.

Mr. McEachern said that not only was it spot zoning, but the density of the zone was changed. He stated that he was concerned about the narrow road, which may or may not be widened, with the increase of traffic.

Mr. Brooks stated that it was not only Coytee Road, but also more traffic on Axley Chapel Road.

Mrs. Rossi said that they had already been approved for 40 lots already.

Mr. McEachern made the motion to deny the rezoning request, second was made by Mr. Brooks. Motion carried 10-0.

Agenda Item B: Consideration of request to rezone approximately 16.3 acres from A-1 (Agricultural District) to C-2 (General Commercial District) located at 1639 Buttermilk Rd. W., referenced on Tax Map 2, Parcel 92.00, 5th Legislative District. Owner: Scott Arwood /Applicant: Russ Lewis File #14-07-43-RZ-CO

Mr. Lewis was present.

Mr. Lewis stated that this property adjoined the Johnson Brothers property at Exit 364 on Interstate 40. He said that this property was considered the northeast quadrant of this interchange. He stated that the Johnson Brothers property was already zoned C-2. He assured the Commission that the development would not be a race track. He said that the proposed plan was to build a distribution and commercial center in the area similar to what was done on the other side of the interstate in the southeast quadrant which was Luv's. He stated that it was also proposed to build 2 motels and a restaurant in this area.

Mr. McEachern made the motion to approve the rezoning request, second was made by Ms. Terry. Motion carried 10-0.

Agenda Item C: Consideration of request to rezone property referenced on Tax Map 16, Parcels 214.00, 214.01, and 214.07, located on Beals Chapel Rd. (formerly Cedar Hills Golf Club) from R-1/PUD at 2.0 units per acre to R-1/PUD at 2.5 units per acre, consisting of 63.3 acres, 6th Legislative District. Owner/Applicant: Sethfield, LP File # 14-02-07-RZ-CO
Mr. Brown stated that the Commission had received a request to postpone this request and the

following request (Agenda Item D). Mr. Lee made the motion to postponed Agenda Item C and Agenda Item D, second was made by Mr. Napier. Motion carried 10-0.

Agenda Item D: Consideration of request to rezone property referenced on Tax Map 16, Parcels 234.01 and 377.00, located on Beals Chapel Rd. from R-1/PUD 3.0 units per acre to R-1/PUD 2.5 units per acre, consisting of 34.65 acres, 6th Legislative District. Owner/Applicant: Sethfield, LP File #14-07-44-RZ-CO
This item was postponed.

Agenda Item E: Consideration of amendment to the Loudon County Zoning Resolution Article 4, Section 4.230. Development Standards for Permitting Telecommunications Towers and Antennas and Article 5, Section 5.043. R-1 Suburban Residential District to address prohibiting telecommunications towers in the R-1 (Suburban Residential) zoning district. File #14-08-46-RGZ-CO

Mr. Brown explained that this amendment was a result of many comments made that telecommunications towers did not need to be in the R-1 zoning district. He stated that when he reviewed the Zoning Resolution, that the R-1 zoning district did not mention telecommunications towers. He said that telecommunications towers were allowed in the A-1 and A-2 zoning districts by Special Exception. He stated that telecommunications towers were not mentioned in O-1 and M-1 zoning districts. He said that telecommunications towers were inferred that they were allowed in the Development Standards for Permitting Telecommunications Towers and Antennas in the R-1 zoning district. He stated that the uses and permitted uses listed in the zoning districts probably dated back to 1960's and 1970's. He said that the standards for the telecommunications towers were probably added to the zoning resolution in the 1990's. He stated that the two were not made compatible. He said that the amendment would clarify that telecommunications towers were not allowed in the R-1 zoning district.

Mr. Luttrell stated that he thought this amendment would be in line with other zoning requirements with the other surrounding counties.

Mr. Brown said that there were currently 2 telecommunications towers in the R-1 zoning district.

Ms. Ross made the motion to accept the amendment to the Zoning Resolution, second was made by Mr. Luttrell. Motion carried 10-0.

Planning and Codes Department Building Activity Report for the month of June and July, 2014

**June -33 permits issued with estimated value of \$2,972,266 and fees collected of \$8,762 (7 single-family and 2 duplex permits issued)
July – 29 permits issued with estimated value of \$2,942,219 and fees collected of \$11,757 (14 single-family permits issued)**

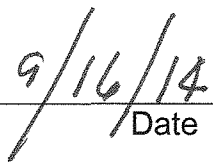
County Commission Action on Planning Commission recommendations: Approved rezoning of approximately 6.47 acres from A-1 (Agriculture-Forestry District) to R-1 (Suburban Residential District), located on Friendsville Rd., referenced on Tax Map 44, Parcels 61.27, 61.55, 61.56, 61.57, and 61.58, 3rd Legislative District. Owner: Darwin Kerr

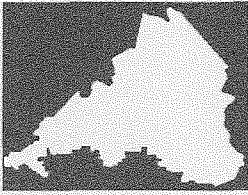
Additional Public Comment: There were none.

Comments from the Commission: Ms. Ross informed the Planning Commission of the Planning Commissioner Training to be held on September 30, 2014 at Farragut Town Hall. She stated that it was required for all planning commissioners to attend this training. She said that she thought that there would be another training session sometime in October if they could not attend this one in September.

Meeting was adjourned at approximately 6:10 p.m.


Signed


Date



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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

August 19, 2014

The August meeting of the Loudon County Board of Zoning Appeals was called to order at 6:12 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 August 11, 2014 Special Called minutes was made by Mr. McEachern, second was made by Mr. Bright. Motion carried 5-0.

Agenda Item A: Consideration of request for a 6' frontyard setback variance for an accessory structure at 5332 Bell Rd., N., Loudon, referenced by Tax Map 48 and Parcel 36.01, zoned A-2 (Rural Residential), 1st Legislative District. Owner: Billy Joe Presley

Mr. Presley was present.

Mr. Presley stated that he had purchased a 12' X 24' storage building on June 24, 2014. He said that on the contract he had signed stated that he would be responsible to get his building permit from the county. He stated that the business said that they would deliver the building within 14 business days. He said he thought he had plenty of time to get his building permit, but they delivered the building on July 3, 2014. He stated that Bell Road wraps around his property, which would make meeting the required 40' frontyard setback hard. He said that he did not realize that there was a 40' frontyard setback requirement until he came to get his building permit. He stated that he had 2 options: (1) request a variance; or (2) have the building moved. He said that he had free setup and delivery. He stated that if he called for them to come back to move, they would charge him. He said that if he had to move the building, he did not know where he could put the building. He stated that he did not mean to do wrong.

Mr. McEachern said that he was very familiar with this property. He stated that Bell Road was only 12' wide, and on one side of the road were 2 creeks that intersected.

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He said that Bell Road did go all around Mr. Presley's property. He stated that Mr. Presley's hardship was the road. He said when he went to the property, he did not see a better place to place the storage building.

Mr. Brown stated that he had gone to look at the property also.

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

Agenda Item B: Consideration of request for special exception for a temporary camper to be located on property 4459 Caldwell Chapel Rd., referenced by Tax Map 67, Parcel 33.00, zoned A-1 (Agricultural/Forestry), 1st Legislative District. Applicant: Michael Jacobs

Mr. Jacobs was present.

Mr. Jacobs stated that a friend of his had a 44', 3 axle camper that he wanted to place on Mr. Jacobs' property. He said there had been an existing mobile home on the property for 34 years. He stated that he had given the mobile home away. He stated that there was water on the property. He said that due to electricity not being there for over 6 months, he had to have the electricity turned back on. He stated that when he went to get the electricity turned back on, the utilities informed him that he had to get a building permit for the camper.

Mr. Brown asked Mr. Jacobs why he wanted the camper on the property.

Mr. Jacobs said that the older person who would live in the camper would be closer to his daughter.

Mr. Luttrell stated that the request was for a temporary camper. He said that he understood that he just wanted to place the camper on the property, and that he did not plan on building a home on the property.

Mr. Jacobs said that there was an axle under the camper, and they were not going to remove the wheels on the camper.

Mr. Luttrell asked Mr. Jacobs if he wanted to make the camper permanent.

Mr. Jacobs stated that the camper would be on the property the remainder of the friend's life.

Mr. McEachern asked Mr. Jacobs if his friend had any medical problems.

Mr. Jacobs said that his friend did have some medical problems.

Mrs. Henson informed the Board that there was a medical hardship provision in the Loudon County Zoning Resolution. She stated that the medical hardship was for singlewide mobile homes only.

Mr. Luttrell stated that he was concerned about the temporary camper requests that the Board had been receiving.

Mr. Brown said that the Board has approved temporary campers for 1 year while they were building a home on the property. He stated that the Board has refused to renew the camper after the 1 year.

Mr. Brown asked Mr. Jacobs if there was a house on this property.

Mr. Jacobs stated that there was not another dwelling on this property, that it was a hayfield.

Mrs. Henson asked Mr. Jacobs if his dad's house was on the same property.

Mr. Jacobs said that his dad's house was on this property, but it was divided by the hayfield. He stated that he rented out the house on the property.

Mr. Brown stated that he did not know how to help Mr. Jacobs. He said that the Board has a problem with people living in campers. He stated that Loudon County did not have regulations to allow people to live in campers.

Mr. Luttrell made the motion to deny the special exception request, second was made by Mr. McEachern. Motion carried 5-0.

Additional public comments: There were none.

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

Meeting was adjourned at approximately 6:30 p.m.


Signed


Date