

LOUISVILLE MUNICIPAL PLANNING COMMISSION

Special Called Meeting

Louisville Town Hall

Tuesday June 3, 2025

Present: John Loope - Chairman, Steven Kelley - Vice Chairman / Secretary, Rob Daugherty, Scott Bassitt, Kent Vaught, Rick Fuller, Gweynne Macon

Absent: None.

Others Present: Barry Ottinger - Building Official, Jill Pugh - Mayor, Daniel Franklin - Vice Mayor, Roger Bird - Engineer, Jordan Rockwell - Town Planner, Hailey Russell - Administrative Assistant, and 38 citizens

Chairman Loope called the meeting to order at 6:02 p.m.

Business Items:

1. Preliminary site plan approval for a Residential Planned Unit Development (PUD) located at 3021 Louisville Rd. Requested by Bryson-Patrick, LLC Patrick O'Hara presented the plans that they have created for the development. He advised the board that he has lived in Louisville about 30-40 years and operates businesses here in Louisville. Mr. O'Hara stated that they did not want to obstruct the views of the lake that is why there are 11 individual homes that sit semi below the road to help keep the view accessible to other residents around. They wanted to come up with a concept that would look good on the Tennessee River and pointed out that his family vacations down in the 30A Corridor in Florida annually and these homes are designed based off of the homes you would see there.

Building Official, Barry Ottinger, spoke to the citizens and the board about the plans for more clarification. The building official is the first in the town to receive the plans once they are reviewed by him they pass to the town planner and then finally the planning commission reviews the plans and makes the final decision. He stated sections of the zoning ordinance that has to be met: Density Restrictions: he does believe this property meets these restrictions with 260,000sqft of property: 30,000 for the first and 20,000 for each additional unit, PUD: multi-family residence that is a HOA controlled property. Mr. Ottinger stated that these are 11

individual homes and there will be a HOA controlled facility. This is a local builder who is doing the development, not a big developer. The only thing that does not meet the requirement and Mr. Ottinger asked the board to consider is the septic field - Mr. O'Hara owns an individual drip system (sewer system) which is the same system our bigger subdivisions have like Lashbrooke and Jackson Bend. It is only used for his properties. It was also mentioned that it has been offered to the Town for future use of commercial developments (i.e. restaurant, small grocery store, connection for the Marathon gas station whose septic is failing) since a road block the town runs into does not have a sewer to connect to. Mr. Ottinger stated that he believes Mayor Pugh would back him up on his statement that it would be a good move because it has more than just the houses in the plan it gives sewer capacity for nice things that would be a good addition to the town. After Mr. Ottinger explained the situation with the sewer system he explained that the only thing holding Mr. O'Hara back would be the 300,000sqft that the development must have to be considered a PUD and currently he has 260,000sqft but if they allow him to utilize the property the sewer system is on, which cannot be developed on, that is located near the proposed property it would meet the requirements for the square footage. This would allow Mr. O'Hara to meet all the requirements set by the zoning ordinance. Mr. Ottinger advised the board that they are not giving an exception or changing the density. Mr. Ottinger finished up his presentation to the board by stating that the average build cost in Louisville limits are over a million dollars and these are under that which gives the Town affordable housing that are lakefront.

Town Planner, Jordan Rockwell, stated that he agrees with everything with Mr. Ottinger. He did state that in theory it does make sense to use the property where the septic system is on to get the required square footage. However, he does not believe that any surveyor would be able to add the property where the sewer system is at to the site plan because there are other properties that are in between the proposed site and the property where the sewer system is located. Mr. Rockwell also advised the board that his version of the zoning ordinance says 10 acres or the planning commission can allow for less than that for a PUD but Mr. Ottinger's version as well as the board's version says ten times the minimum lot size. He asked Chairman Loope if he remembered when that change was made and which one came first. Chairman Loope stated that he doesn't remember what came first, the ten acres or ten times the minimum lot size. He also stated that nowhere in the

zoning ordinance does it say it has to be continuous but that common sense would say it would have to be continuous. Mr. Rockwell said that he is correct that it does not state it has to be continuous and it could be added to the parcel but he believes a surveyor would want it to be connected to the other properties. He also said that civil plans look good in terms of what is presented and it does meet the regulations but it is up to the board to allow the use of the property the sewer system is on to be added to the overall site plan. However, he would like to know for sure if the ten acres with the planning commission being able to make an exception or ten times the minimum lot size with no exception before making a decision. His zoning ordinance is the current one in use.

Chairman Loope stated that for the matter of practice of the 18 years he served on the planning commission minus the 12 year gap the board has always held to the ten acres and he does not know any inside the town less than that. Another thing the town has not allowed is multiples of 20,000sqft. Chairman Loope said that in the zoning ordinance it says 30,000sqft and 20,000sqft for any additional family but the thing with that is it is 30 years old and its been in the planning since the town started. At that time they wanted to allow for a mother-in-law suite or build a home for your children. You could do so if you had 50,000sqft which he pointed out is 1.15 acres. Loope stated he does not know of any instances that the town allowed multiples of 20,000sqft. From his time he does not remember them approving any lots or subdivisions that did not follow that rule during his time on the planning commission.

Barry Ottinger wanted to point out to the board that provided them with a copy in their binders of the zoning ordinance chapter 8 section 11-801. He had them focus their attention on the minimum lot size portion for R-1 with public water. This portion stated the area in square feet is 30,000, Square feet per additional family (with a notion 1 at the end) 20,000. When you follow the chart to the bottom there is a subnote for what the notion 1 means and it says "Applies to duplex dwellings, multi-family dwellings, and mobile home parks. He states what Chairman Loope was talking about is mention on page 67 of the zoning ordinance for what is allowed on a single lot: On a single lot, two single family dwellings, one duplex, or one single family dwelling with one accessory apartment, providing the following requirements are met:

- The primary and principle use of the property is residential and owner occupied;
- The single lot is a minimum of 60,000 square feet (two times the minimum lot size) for two single family dwellings on a single lot; or 50,000 square feet for duplex; or 40,000 square feet for one single family dwelling with one accessory apartment;
- The accessory apartment is no greater than 600 square feet in floor area for a single-family dwelling with 67 one accessory apartment, otherwise the structure shall be considered a duplex;

Mr. Ottinger pointed out that what Chairman Loope is talking about was addressed on page 67 of the zoning ordinance however this site plan does not fall under the guidelines Chairman Loope were discussing. Loope rebutted that it says “family” on page 76 not “families”. However, as Ottinger pointed out the notation on that portion of the zoning ordinance moves you to a subnote that states “multi-family dwellings” and that this site plan is for multifamily allowing the 30,20,20 square footage. Loope stated that as far as practice the planning commission has never allowed that. Ottinger thanked Loope for his time on the planning commission but pointed out that there was a 12 year gap in his time on the planning commission and the board needs to look at today and not in the past when Loope served.

Chairman Loope asked the board if they had any questions or comments on what had been discussed thus far.

Vice Chairman Kelley wanted clarification if the plans meet the density before or after adding the property with the sewer system. Ottinger stated that it does meet the density but the only requirement it does not meet is the PUD, the overall lot size he has 260,000sqft and it is required to have 300,000. Mr. O’Hara added that there is a little over 4 acres of this property that is not included in the 260,000sqft that is under water. Loope stated that the board can consider the additional acreage that is below the 813 line and under water that is owned by the property owner to the total acreage.

Kent Vaught asked if that acreage that is under water is part of the taxable acreage with the county. The question was answered with a no. Vaught clarified that he is not paying taxes on that portion of the property that is under the water and that the county recognizes the tax platt with the property that is considered usable for the

density. They do not accept the property under water as usable property. Vaught also asked Ottinger if the planning commission has ever received a request to use property that is under water and Ottinger stated that not that he knows of however, Loope might. Loope said he had not and did not know of any commission that does allow it and he stated that he knew Maryville and Alcoa in the exterritorial zoning when they had it they did not allow it. Mr. O'Hara pointed out that they do however allow the density for the septic field area to be counted to the area. Kelley asked if it was only the same property then is that when they allow it and Mr. O'Hara advised him that their zoning does not state that it has to be on the same property as the development.

Melonie Davis, attorney for Mr. O'Hara, she works at Kiser & Black and is the city attorney for the City of Maryville for many years so she has knowledge with planning and zoning. Her client asked her to look at this issue and give her input on the matter. She pointed out that the section of the zoning ordinance her clients development falls under is section 11-408 3a the minimum size for a PUD lot. She then read that section back to the board "Minimum Site. No PUD shall have an area less than that considered by the reviewing body to be adequate for the proposed project; however, the minimum site shall not be less than ten (10) times the minimum lot size required in the district in which the proposed project is to be located." She pointed out that there are two key words in there that do not have definitions to define their meaning and they are the following: Area, Mrs. Davis stated that it is a broad enough term that it could be interpreted as it can include the property for the necessary sewer system and site, she stated that this word can also be used to describe the site of the sewer system that is necessary for the development. Mrs. Davis stated to the board that she believes it comes down to if the board can define area and site under this ordinance broadly to include that sewer system as the overall development which is part of the overall plan and if the board does that then the numbers are there for this development to work. Mrs. Davis makes her final point that the zoning ordinance does not specify that it has to be on the specific property; it just has to be included in the overall area and site for the PUD.

Kent Vaught asked Ottinger a question that if in fact the Town of Louisville had access to the sewer like the town originally thought it would have access to from the sewer that went to Smith & Wesson from the City of Maryville but if they did

and it would have been run down this section of the road how would this request be different? Kelley stated that it wouldn't be different and they wouldn't be able to add that land that his sewer system is on. Vaught pointed out that what Kelley answered with the key to the whole thing is that if the town already had a sewer then he would have to meet the restrictions that the planning commission has set and they wouldn't be adding different properties. He also said that he gets the concept and he thinks the concept is great, however it is difficult to justify it based on the pattern of what the planning commission has allowed in the past and the exceptions they have not allowed for others.

Mr. Ottinger wanted to stress to the board that recently the Board of Mayor and Alderman set aside \$600,000.00 to build a subsurface sewer system for a potential town center on property adjacent to the property they are currently looking at. There have been preliminary soil tests done and from those it has been discovered that it is a struggle to fit a subsurface sewer system on the property. However, from Ottinger's understanding Mr. O'Hara has spoken to the owner on that property Mr. Yanez and there is the potential for a partnership there that would save the town a considerable amount of money and give the town a nice restaurant to eat dinner at, retail stores, and potentially a small grocery store. He pointed out that if you look at the current tax, that income that the town gets money from 400 citizens in Townsend brings in as much tax revenue as 5,000 citizens here in Louisville. Ottinger stated that the town needs retail here in Louisville and that would increase the revenue to allow more things such as; additions to parks & recreation, walking trails, events and things like that. The owner of that property is a restaurateur and he wants to put a restaurant on that property and there are two restaurant owners who live in Louisville and have verbally agreed to put restaurants on that property. He believes that there is potential to have three restaurants but if not at least one very nice restaurant for citizens to go eat at locally. Ottinger stated that yes there is more to consider when looking at Mr. O'Hara's property but from the town's point of view it would help. He asked the board that if there was a way that they could allow it within their guidelines then that is what is being requested.

Mayor Pugh pointed out that every week she has multiple citizens coming to her stating that the town needs a grocery store or how they would enjoy having a restaurant in town they could go to. She also gets citizens who ask weekly for things to get fixed or amenities to be added but she stated the problem is the town

does not have the sewer system or the revenue to do those things and the town has to generate it some way. She feels as though this is on a main corridor and that the traffic that has been generated there is not something that the town has generated or promoted but it has been created by Blount County, Blount Partnership and the developments that are being built at the town's borders. However, making lemonade out of lemons generates some money with a couple of restaurants there that citizens can have dinner at or a grocery store. Vaught stated that he thinks its clear the benefits potentially for the town but he struggles with the people who may not live in that general area where it makes sense are they going to have open up the same exceptions for them or do you only allow it to those who are in the proximity to allow a restaurant to be opened. Ottinger stated that one thing the planning commission can do after this meeting is to restrict the zoning ordinance and get rid of the 20,000 and make it 10 acres or however they would like. However, they cannot penalize Mr. O'Hara for being the first one to come forward with the idea because his plans are turned in so he is grandfathered into the current ordinance rules and regulations. Ottinger stated to the board that the request made is not to change the density but to be open to allowing the sewer system property to be added to the total square footage to meet the PUD requirements.

Loope stated to the citizens in attendance that the board is working through the zoning ordinance currently and have been for the past year but it is long and it will probably be another year before it is completed. He pointed out that there is a public hearing held before any of the changes are adopted. Ottinger stated that he currently is going through it line by line and then will pass it on to Rockwell then they will present the final product to the board for any more changes before being sent to the Board of Mayor and Alderman for final approval.

Kelley wanted clarification from Mr. O'Hara that the sewer system proposed is being used at its current location. Mr. O'Hara answered that yes it is currently in use. Kelley followed up with asking since it is currently being used for another location and they are looking for the property the system currently sits on to be added to the site plan would it take away from the current and would make it non conforming. Ottinger answered with a simple no; that it is on its own parcel and it will become its own private utility and that there is very little capacity being used currently.

After Chairman Loope spoke he opened up the meeting for citizens comments before having the board vote.

Citizen Comments

Paul McAllister - 2827 Mentor Road
Bill Mattison - 3733 Light Pink Road
Greg Persell - 3222 Devault Road
Carole Trammell - 3142 Devault Road
Anna Gibson - 2823 Louisville Road
Dan Mckee - 3012 Jefferies Court
Chris Higgins - 3151 Hardy BLVD
Martha R. Taylor - 3304 Turtle Cove Drive
Tom Masner - 4044 Light Pink Road
Chris Whitson - 3020 Jefferies Court
Jennifer Alldredge - 3167 Logan Hill Road
Jim Collins - 190 Lillard Lane
Tabatha Montgomery - 3138 Gibbs Road
Greg Alldridge - 3167 Logan Hill Road
Amy Curmi - 3128 Burning Log Lane
Dave Curmi - 3128 Burning Log Lane
Joanna Wilson
George Palmer - 2827 Louisville Road

The citizens expressed their concerns that they would have with the development and why they do not want the board to approve this site plan. There were several questions that were asked about the site plan.

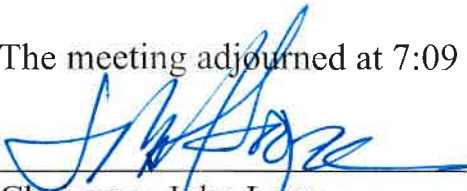
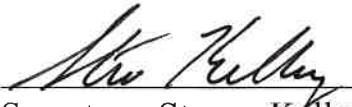
During the portion of citizen's comments Vice-Mayor Daniel Franklin opted to speak during the meeting stating that he wanted to set the record straight on a couple of things that were stated previously in the meeting. The first being that the Board of Mayor and Alderman have not approved any sewer system of any kind. What they have done is set some money aside that they can use in the event they are able to come up with a viable solution for a commercial sewer system. However, they have not seen any plans so far that have been presented that the town could even half way afford. He clarified that there has been nothing approved and they could recall that money back at any point if the board decides they can't afford a sewer system. He also wanted to make it clear that at the workshop while

discussing this year's budget for the town himself and the town recorder did a bunch of research on where the town's money comes from the town used to pay for things. During the research they discovered that the overriding factor for sales tax in the State of Tennessee is population and that it does not matter where you spend your money as long as you spend it in the State of Tennessee the money will come to Louisville based on the amount of people who live in the Town of Louisville. He stated that local sales tax in particular, stating that he is not saying more retail wouldn't help the town could generate more revenue from retail, but it will not generate that much revenue because 50% of local sales tax goes to Blount County School's so most of the money the town gets is based off of population not sales tax. Vice-Mayor Franklin stated that he believes that the people at town hall have misunderstood that the local sales tax is where the revenue comes from for a long time. He wanted to make sure that is understood but also made sure that he made it known he is not against getting retail, however he does not believe that the town will be able to do a whole lot to help them in the process of getting sewer to Louisville. He advised this board to be very careful and stated that he believes consistency and how they apply the town's rules is the cornerstone of what is done in a situation like this one and they need to be very careful in setting a precedence or having other people who have been turned down for similar situations and approving someone for any other reason. Think about consistency because that is the key to a Government that is trying to do the right thing in his opinion.

Mr. O'Hara made a final statement that they are trying to do something very nice on that piece of property. When in reality as the property stands he could build 8 (4 building, 8 residences) duplexes on that property without needing an exception from the planning commission.

MOTION by Steven Kelley to deny the preliminary platt due to not meeting the Town requirements set by the planning commission. Second by Kent Vaught.
VOTE by roll call: AYE: John Loope, Steven Kelley, Rob Daugherty, Scott Bassitt, Kent Vaught, Rick Fuller, Gweynne Macon. **MOTION PASSES.**

The meeting adjourned at 7:09 p.m. by Chairman John Loope


Chairman, John Loope
Secretary, Steven Kelley