

PUBLIC HEARING - COUNTY COMMISSION MEETING

JUNE 3, 1996

PUBLIC HEARING: -REZONING REQUESTS

COUNTY COMMISSION MEETING

JUNE 3, 1996

1. Call to Order, Roll Call
2. Changes to proposed agenda
3. Minutes of May 3, 1996 approved
4. No Citizens wish to speak
5. Report and appropriation approved on illegal dump site (beside animal shelter-Quarry Road).
6. Appointment(s) to Loudon County Beer Board
7. Loudon County Planning Commission
8. Appointment(s) to Loudon County Library Board
9. Speed limit approved 250 ft. East of Ford Road, at entrance to Avalon Development.
10. Annex parking--\$20,000. Appropriation approved
11. Proposed fine for Tobacco Products Use in County Buildings deferred.
12. Motion dies for lack of second-committee to study Southern Building Codes.
13. Wayne Tolbert discusses landfill issues
14. Budget appropriations approved--Shelving-Clerk & Master's Office(\$1,200.): Cleaning of Annex (through 6-30-96) (\$400.)
15. County Attorney's report
16. Rezoning approved, Highway 411, tax map 87
17. Rezoning approved, Highway 11, tax map 29J
18. Rezoning approved, 180 Corinth Church Road
19. Rezoning approved, Martel Overlay
20. Building Commissioner's report
21. Road Commissioner, no report
22. Purchasing Agent-no report
23. Notaries approved
24. Adjournment

PUBLIC HEARING
JUNE 3, 1996

- 1. Rezoning request for property on Hwy. 411, referenced by tax map 87, parcel 1.0, consisting of 14 acres from C-1, Rural Center District, to C-2 General Commercial District.
- 2. Rezoning request for property on Hwy. 11 W., referenced by tax map 29J, parcel 25, group A, consisting of .977 acres from A -2, Rural Residential District, to 0-1, Office- Professional District.
A citizen came forward and spoke in favor of this proposed rezoning.
- 3. Rezoning request for property at 180 Corinth Church Road, referenced by tax map 62, parcel 94.00, A -2, Rural Residential District, to C -2, General Commercial District.
- 4. Rezoning request for property bonded by Southern Railroad right-of-way, Martel Road, Shaw Ferry Road, Old Midway Road, Virtue Road, and Wilson Road, deleting the current R-E Single Family Exclusive Overlay District imposed over the existing base zone(s), and adding a new R -E Single Family Exclusive Overlay District, excluding all commercial property in the bounded area.

COUNTY COMMISSION MEETING
June 3, 1996

1)
Call to order,
roll Call

Be it remembered that the Loudon County Legislative Body met in regular session on June 3, 1996 at the Loudon County Courthouse Annex, with the Chairman Roy Bledsoe presiding, County Court Clerk, Riley D. Wampler, and County Executive George Miller were present, whereupon Sheriff Tim Guider opened Court, led the Pledge of Allegiance, and Mr. Hank McGhee gave the Invocation. On Roll Call all Commissioners were present:

Bivens	Masingo	Duff
Randolph	Maples	Park
Bledsoe	Ledbetter	Twiggs

- (2)
Changes to
Proposed
Agenda
Chairman Bledsoe asked if there were any corrections to the proposed agenda: The County Executive, George Milller noted this change:
I. TASS appointment--deferred to next meeting.
- (3)
Min.Of
May 6, 1996
Approved
Commissioner Ledbetter made the motion that the minutes of May 6,1996, be approved, and Commissioner Twiggs seconded the motion. Voice vote indicated motion carried.
- (4)
Noone
wishes to sp.
Chairman Bledsoe asked if any member of the audience wished to speak, but no one wished to speak at this time.
- (5)
Report on
illegal dump
site-appro.
Of \$37,500.-
cleanup
Mr. George Miller, County Executive, had these items:
A. Clean up of illegal Dump site-Adj. To Loudon County Animal Shelter
Mr. Miller presented the Commissioners with a copy of a report, written by Ms. Chris Garcovich, CTAS, which included proposed changes, along with costs estimates. Commissioner Park made the motion that this report be sent to the State Dept. Of Environment and Conservation, and that up

to \$37,500. be allotted from the County General Fund, to allow for the clean up of this area. Commissioner Masingo seconded the motion. The results of the roll call vote:

Randolph	yes	Maples	yes	Park	yes
Bledsoe	yes	Ledbetter	yes	Twiggs	yes
Bivens	yes	Masingo	yes	Duff	yes

Chairman Bledsoe announced the motion carried unanimously.

- (6) Appt. To Beer Brd. B. Appointments to Beer Board: Commissioner Bivens made the motion that Ms. Dana Zehner be approved, and also Mr. Rolf Randby. Commissioner Duff seconded the motion. Voice vote indicated motion carried. Hereby included as Resolution # 639b, Exhibit # A.
- (7) Appts. To Planning Commission C. Appointment to Planning Commission: Commissioner Twiggs made the motion that Mr. Wayne Gardin be approved, and also Mr. James Wiggins, be re-appointed. Commissioner Randolph seconded the motion. Voice vote indicated motion carried. Hereby included as Resolution # 639b Exhibit # B.
- (8) Appts. To Co. Lib. Board D. Appointment to Loudon County Library Board:: Commissioner Maples made the motion that Ms. Billie Snow, be approved, and also Ms. Sylvia Sproul, be re-appointed. Commissioner Randolph seconded the motion. Voice vote indicated motion carried. Hereby included as Resolution # 639b, Exhibit # C.
- (9) Speed lim. Of 45MPH app.-Avalon Development Addendum Item: Mr. Miller presented to the Commission the prospect of setting a speed limit of 45MPH in the area of the Avalon Subdivision, on Highway 70: A point approximately 250 points east of Ford Road and the entrance to Avalon Development. Commissioner Park made the motion that this be approved, with Commissioner Twiggs seconding the motion. Voice vote indicated motion carried. Resolution hereby included as # 639b Exhibit # C-A.
- (10) \$20,000. Appropriation Approved Parking lot-Annex The next subject to be discussed is parking at the annex--Commissioner Randolph made the motion that the County share the cost of providing for additional parking adjacent to the Annex, (site of City Of Loudon's Old Substation) with the City of Loudon. The contract would include the County equally splitting the cost of providing more parking with the City of Loudon. The County's share would not exceed \$20,000., and would be taken from Capital Projects Funding. Commissioner Bivens seconded the motion. The results of a roll call vote:
- | | | | | | |
|----------|-----|-----------|-----|--------|-----|
| Randolph | yes | Maples | yes | Park | yes |
| Bledsoe | yes | Ledbetter | yes | Twiggs | yes |
| Bivens | yes | Masingo | yes | Duff | yes |
- (11) Proposed Fine- Tob. Use in Co. Blds-. Deferred Chairman Bledsoe announced the motion carried unanimously. Commissioner Twiggs discussed a proposed fine on violation of Tobacco Products Use in County Buildings, and made the motion that this resolution be approved, with Commissioner Ledbetter seconding the motion. However, Commissioner Randolph objected due to the fact that he had not received the resolution. Chairman Bledsoe deferred the resolution to a later date.
- (12) Motion dies App Comm.-Sou. Bld.Codes Commissioner Twiggs made a motion that a committee be formed to study Southern Building Codes, but that died for lack of a second.

(13)
W. Tolbert
discusses
landfill
issues-def.
ToWS

Commissioner Twiggs then introduced Mr. Wayne Tolbert, Chairman of the Loudon County Solid Waste Commission. Mr. Tolbert talked to the Commission about situations that involve the landfill; alerted the Commission to certain problems that may arise, and discussed solutions that could be considered. Commissioner Park asked that this be further discussed at the next workshop, with Commissioner Randolph seconding the motion.

(14)
Budget
appropriations-
Annex
cleaning:
Shelving-
Clerk &
Masters
Office

Nancy Richesin, Director of Accounts and Budgets had the following:

- 1. Request to appropriate approximately \$400.00 for cleaning of the Annex basement (through 6-30-96).
- 2. Appropriation of \$1,500. For shelving in the office of the Clerk and Master.

Commissioner Duff made the motion that these requests be approved, with Commissioner Park seconding the motion. Results of roll call vote:

Randolph	yes	Maples	yes	Park	yes
Bledsoe	yes	Ledbetter	yes	Twiggs	yes
Bivens	yes	Masingo	yes	Duff	yes

Chairman Bledsoe announced the motion carried unanimously.

(15)
County
Attorney's
Report

County Attorney, Harvey Sproul presented the following items of information:

- A. Securing deed to Old Nat. Guard Armory : Work is progressing but still has not been completed. Purchasing agent (H. Luttrell) assured Mr. Sproul that the contract for demolition of old gym (at new National Guard Armory) will be honored by the contractor.
- B. Update Constable Lawsuit: hearing is scheduled for August 27, 1996.
- C. Steve and June Dunigan V. Loudon Utilities Board, Loudon County, et al- Suit has been withdrawn against Loudon County.
- D. Iva Maddox vs. Loudon County-In appeal from decision of the BZA (Lo. County in process of filing record with clerk of court.)
- E. County Atty. Sproul gave a report on the Legislative update.

Mr. Pat Phillips, Director of Planning and Community Development had the following rezoning requests:

(16)
Rezoning
request-
Hwy 411-
(tax map 87)
approved

- 1. Rezoning request for property on Hwy. 411, referenced by tax map 87, parcel 1.0, consisting of 14 acres from C-1, Rural Center District, to C -2, General Commercial District.

Commissioner Masingo made the motion this resolution be approved, with Commission Park seconding the motion. Voice vote indicated all in favor. Hereby included as Resolution # 6396, Exhibit # D.

(17)
Rezoning
request
Hwy 11
(tax map 29J)
approved

- 2. Rezoning request for property on Hwy. 11 W., referenced by tax map 29J, parcel 25, group A, consisting of .977 acres from A -2, Rural Residential District, to O-1 Office Professional .

Commissioner Duff made the motion this resolution be approved, with Commission Park seconding the motion. Voice vote indicated all in favor. Hereby included as Resolution # 6396, Exhibit # E.

(18)
Rezoning
request
180 Corinth
Church Rd.
approved

- 3. Rezoning request for property at 180 Corinth Church Road, referenced by tax map 62, parcel 94.00, A -2, Rural Residential District, to R-1, General Commercial District.

Commissioner Randolph made the motion this resolution be approved, with Commission Bivens seconding the motion. Voice vote indicated all in favor. Hereby included as Resolution # 6396, Exhibit # F.

(19)
Approval
Granted
Martel-
RE Overlay

4. Rezoning request for property bonded by Southern Railroad right-of-way, Martel Road, Shaw Ferry Road, Old Midway Road, Virtue Road, and Wilson Road, deleting the current R-E Single Family Exclusive Overlay District imposed over the existing base zone(s), and adding a new R -E Single Family Exclusive Overlay District, excluding all commercial property in the bounded area.

Commissioner Twiggs made the motion this resolution be approved, with Commission Randolph seconding the motion. A roll call vote was taken.

The results being:

Randolph	yes	Maples	yes	Park	no
Bledsoe	yes	Ledbetter	yes	Twiggs	yes
Bivens	yes	Masingo	yes	Duff	yes

Chairman Bledsoe announced the motion carried. 8--Yes, 1--no.

Hereby included as Resolution # 6396, Exhibit # 2.

(20)
Bld. Comm.
Report

Loudon County Building Commissioner, Doug Lawrence, had this report:
Permits--May, 1996.

Permits	53	Est. Taxes	\$13,000.
Est. Value	\$2,017,000.	Fees collected	\$4,022.

(21)
R. Comm. no
Report

Don Palmer, Road Commissioner, had no report.

(22)
Pur. Agent-
no report

Purchasing Agent, Howard Luttrell, had no report.

(23)
Notaries
approved

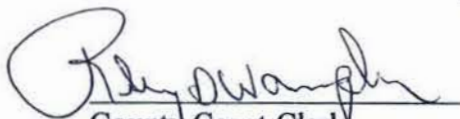
Commissioner Masingo made the motion the following notaries be approved, with Commissioner Maples seconding the motion: They are:


Jean L. Cline	Barbara Hall	Thomas J. Cook
Toni Hoffman	Vickie Diane Graham	

Voice vote indicated all in favor.

(24)
Adjournment

Motion was made by Commissioner Park, and seconded by Commissioner Bivens to adjourn at 9:35P.M.


County Court Clerk


Chairman

County Executive

LOUDON COUNTY COMMISSION

RESOLUTION NO. 6396

RESOLUTION APPROVING OR ACKNOWLEDGING BOARD OR COMMITTEE APPOINTMENT BY COUNTY EXECUTIVE

Whereas, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County executive has authority to make certain committee and board appointments; and

Whereas, an appointment (or appointments) is necessary and/or desirable at this time; and

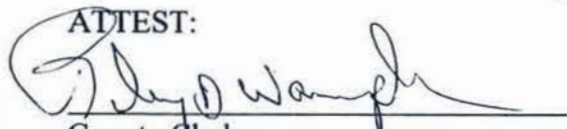
Whereas, the County Executive appoints the following as a member of:


LOUDON COUNTY BEER BOARD

<u>Appointee</u>	<u>Term Expiration</u>
<u>Mr. Rolf Randby</u>	<u>Serves until replaced</u>
<u>Ms. Dana Zehner</u>	<u>Serves until replaced</u>

NOW THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 3rd day of June, 1996, hereby approved and acknowledges (as appropriate), the said appointment.


County Chairman

ATTEST:

County Clerk

APPROVED:

County Executive

The remaining members and their continuing expiration terms for said board or committee are as follows:

<u>Appointee</u>	<u>Term Expiration</u>
<u>Mr. Bobby Brown</u>	<u>Serves until replaced</u>
<u>Mr. James Williamson</u>	<u>Serves until replaced</u>

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LOUDON COUNTY COMMISSION

RESOLUTION NO. 6396

**RESOLUTION APPROVING OR ACKNOWLEDGING BOARD OR
COMMITTEE APPOINTMENT BY COUNTY EXECUTIVE**

Whereas, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County executive has authority to make certain committee and board appointments; and


Whereas, an appointment (or appointments) is necessary and/or desirable at this time; and


Whereas, the County Executive appoints the following as a member of:


LOUDON COUNTY PLANNING COMMISSION

<u>Appointee</u>	<u>Term Expiration</u>
<u>Wayne Gardin</u>	<u>6-15-98 (replacing Ron Parris)</u>
<u>James Wiggins</u>	<u>6-15-2000</u>

NOW THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 3rd day of June, 1996, hereby approved and acknowledges (as appropriate), the said appointment.


County Chairman

ATTEST:

County Clerk

APPROVED:

County Executive

The remaining members and their continuing expiration terms for said board or committee are as follows:

<u>Appointee</u>	<u>Term Expiration</u>
<u>Roy Brooks</u>	<u>6-15-97</u>
<u>Martin Brown</u>	<u>6-15-97</u>
<u>Billy Joe Littleton</u>	<u>6-15-98</u>
<u>Glenn Luttrell</u>	<u>6-15-98</u>
<u>Richard Reynolds</u>	<u>6-15-98</u>
<u>Charles Harrison</u>	<u>6-15-98</u>
<u>W.E. Huff</u>	<u>6-15-99</u>
<u>Glenn Goodwin</u>	<u>6-15-99</u>
<u>Bill Wolfe (LCRPA)</u>	<u>Co-term</u>
<u>Henry Mitchell (LRPA)</u>	<u>Co-term</u>

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Exh-B

LOUDON COUNTY COMMISSION

RESOLUTION NO. 6396

RESOLUTION APPROVING OR ACKNOWLEDGING BOARD OR COMMITTEE APPOINTMENT BY COUNTY EXECUTIVE

Whereas, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County executive has authority to make certain committee and board appointments; and


Whereas, an appointment (or appointments) is necessary and/or desirable at this time; and

Whereas, the County Executive appoints the following as a member of:

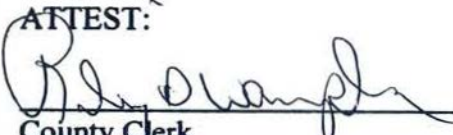
LOUDON COUNTY LIBRARY BOARD

<u>Appointee</u>	<u>Term Expiration</u>
<u>Ms. Billie Snow</u>	<u>June 30, 1999</u>
<u>Ms. Sylvia Sproul</u>	<u>June 30, 1999</u>

NOW THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 3rd day of June, 1996, hereby approved and acknowledges (as appropriate), the said appointment.



County Chairman

ATTEST:


County Clerk

APPROVED:


County Executive

The remaining members and their continuing expiration terms for said board or committee are as follows:

<u>Appointee</u>	<u>Term Expiration</u>
<u>Ms. Judy Curtis</u>	<u>6-30-98</u>
<u>Mr. John Manning</u>	<u>6-30-98</u>
<u>Ms. Lucy Ann Layman</u>	<u>6-30-98</u>
<u>Ms Charlotte Brannon</u>	<u>6-30-97</u>
<u>Mr. Nat Campbell</u>	<u>6-30-97</u>



LOUDON COUNTY COMMISSION

RESOLUTION # 6396

**RESOLUTION IMPOSING A 45 MILES-PER-HOUR SPEED LIMIT ON
HIGHWAY 70 FROM FORD ROAD, TO A POINT 250 YARDS EAST OF THE
ENTRANCE OF AVALON**

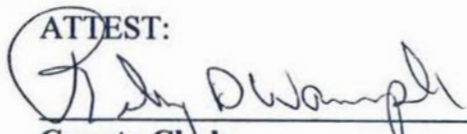
WHEREAS, the entrance to the Avalon Development has created a traffic hazard for motorists entering or exiting Highway 70, not only from Avalon, but also from Cranfield Lane which enters Highway 70 from the South at a point some 100 feet west of the Avalon entrance.

WHEREAS, the State of Tennessee has realigned Highway 70 to eliminate the shoulder on the South side of Highway 70, between Cranfield Lane and the Avalon entrance causing traffic from Cranfield Lane turning east onto Highway 70 to enter directly into a traffic lane at a point that is just over a hill crest and not in the line of sight of east-bound traffic that is often traveling at high rates of speed.

WHEREAS, the State of Tennessee Department of Transportation, has advised area residents that they would consider shortening the left turn lane separator, at the entrance to Avalon, should Loudon County request the speed limit on Highway 70 be reduced in this area.

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session, assembled on the 3rd day of June 1996, does hereby request the State of Tennessee Department of Transportation to reduce the speed limit on Highway 70 from Ford Road to a point 250 yards east of the entrance to Avalon.


County Chairman

ATTEST:

County Clerk

APPROVED:


County Executive

EJH C-A

RESOLUTION No. 6396

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY ON HWY. 411, LOCATED IN THE THIRD LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 87, PARCEL 1.0, FROM C-1, RURAL CENTER DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT

WHEREAS, the Loudon County Commission in accordance with Chapter Four, Section 13-7-105 of the Tennessee Code Annotated, may from time to time, amend the number, shape, boundary, area or any regulation of or within any district or districts, or any other provision of any zoning resolution, and

WHEREAS, the Regional Planning Commission has forwarded its recommendations regarding the amendment to the Zoning Map of Loudon County, Tennessee, and the necessary public hearing called for and held,

NOW THEREFORE, BE IT RESOLVED by the Loudon County Commission that the Zoning Map of Loudon County, Tennessee be amended as follows:

1. That property on Hwy. 411, located in the third Legislative District, referenced by Tax Map 87, Parcel 1.0, be rezoned from C-1, Rural Center District, to C-2, General Commercial District, as represented on the attached map; said map being part of this Resolution.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately, the public welfare requiring it.

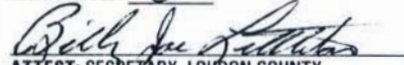

ATTEST


LOUDON COUNTY EXECUTIVE

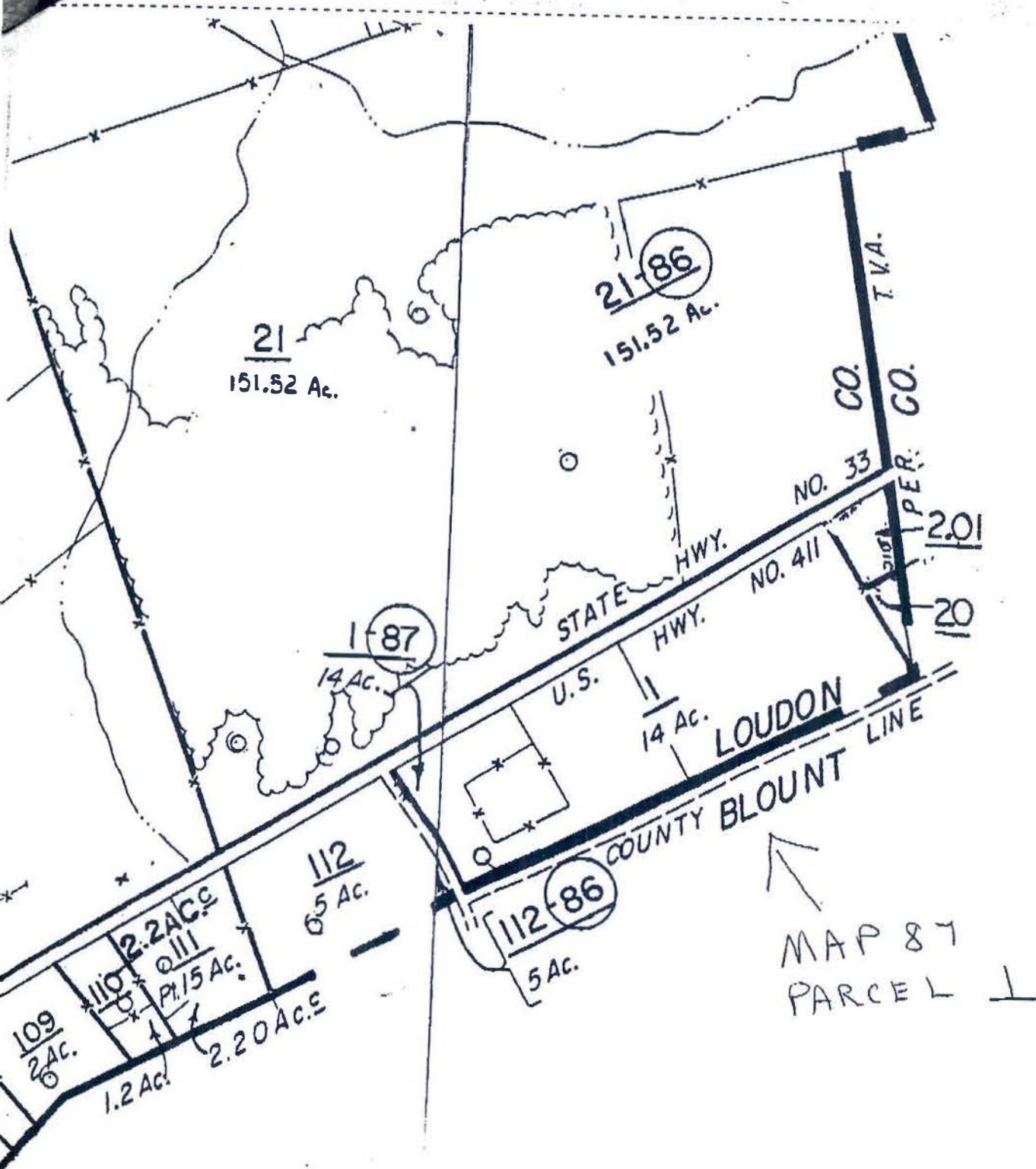
The vote on the question of approval of this Resolution by the Planning Commission is as follows:

APPROVED: 11

DISAPPROVED: 0


ATTEST: SECRETARY, LOUDON COUNTY
PLANNING COMMISSION
DATE: MAY 9, 1996

Exp = D



ATTACHMENT TO RESOLUTION REZONING PROPERTY ON
HWY 411 MAP 87 PARCEL 1.0 FROM C1 TO C2

RESOLUTION 96-6396

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY ON HWY 11 W, LOCATED IN THE ~~SECOND~~ ^{Fifth} LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 29J, PARCEL 25, GROUP A, FROM A-2, RURAL RESIDENTIAL DISTRICT, TO O-1, OFFICE-PROFESSIONAL DISTRICT

WHEREAS, the Loudon County Commission in accordance with Chapter Four, Section 13-7-105 of the Tennessee Code Annotated, may from time to time, amend the number, shape, boundary, area or any regulation of or within any district or districts, or any other provision of any zoning resolution, and

WHEREAS, the Regional Planning Commission has forwarded its recommendations regarding the amendment to the Zoning Map of Loudon County, Tennessee, and the necessary public hearing called for and held,

NOW THEREFORE, BE IT RESOLVED by the Loudon County Commission that the Zoning Map of Loudon County, Tennessee be amended as follows:

- 1. That property on Hwy. 11 W, located in the ~~second~~ ^{Fifth} Legislative District, referenced by Tax Map 29J, Parcel 25, Group A, be rezoned from A-2, Rural Residential District, to O-1, Office-Professional District, as represented on the attached map; said map being part of this Resolution.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately, the public welfare requiring it.



ATTEST

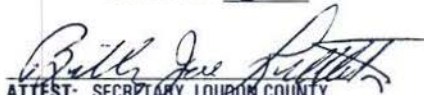

LOUDON COUNTY EXECUTIVE

The vote on the question of approval of this Resolution by the Planning Commissions is as follows:

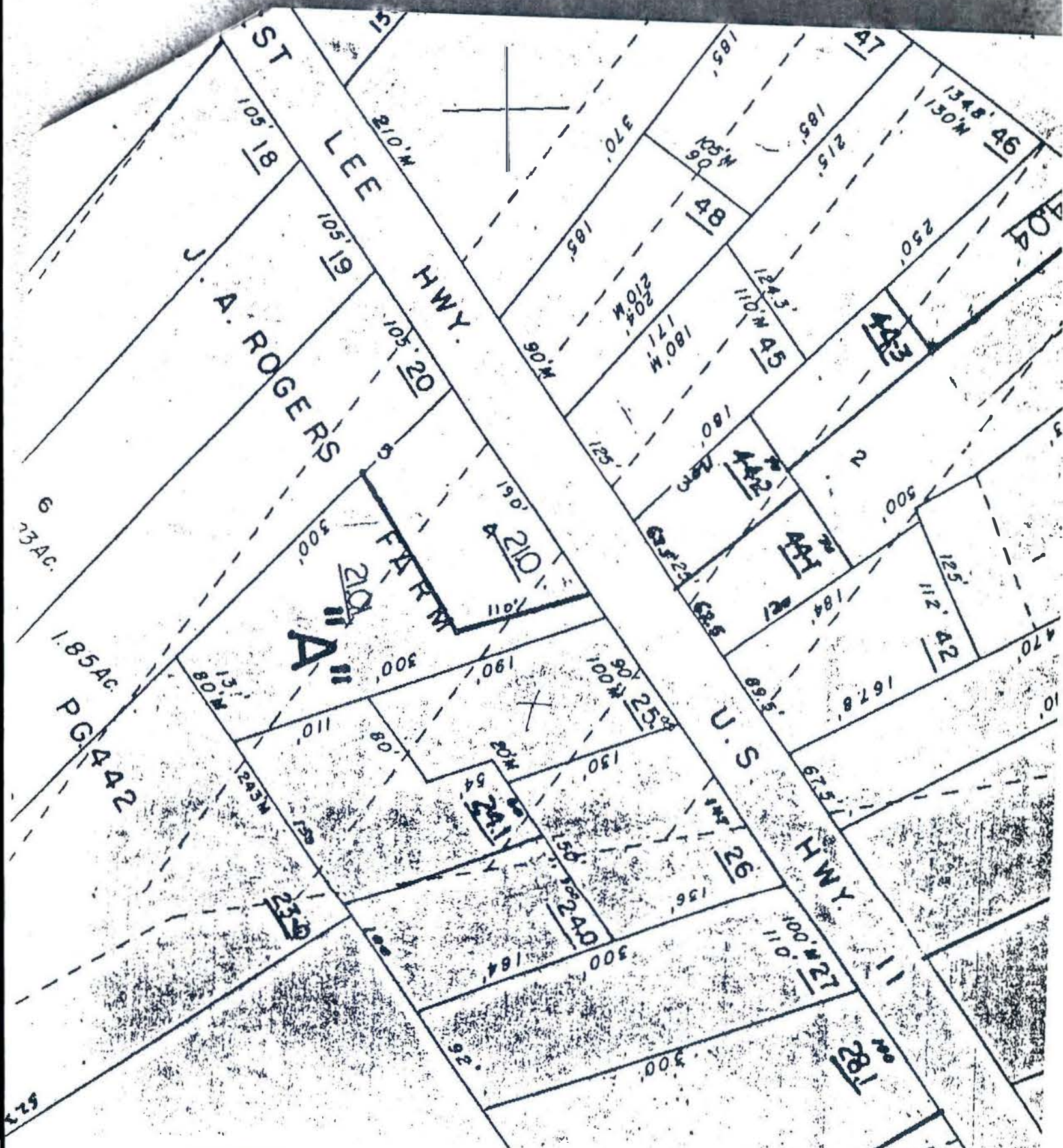
APPROVED: 6
DISAPPROVED: 0

APPROVED: 11
DISAPPROVED: 0


ATTEST: SECRETARY, LENOIR CITY REGIONAL PLANNING COMMISSION


ATTEST: SECRETARY, LOUDON COUNTY PLANNING COMMISSION





ATTACHMENT TO RESOLUTION REZONING PROPERTY ON
HWY 11W MAP 29J GROUP A PARCEL 25 FROM A2 TO 01

295-A-261

Jan 02 07:21

Fax : 615-458-9952

ASSESSOR-DOWLE RRP

RESOLUTION 40-6396

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY AT 180 CORINTH CHURCH ROAD, LOCATED IN THE FOURTH LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 62, PARCEL 94.00 FROM A-2, RURAL RESIDENTIAL DISTRICT, TO R-1, SUBURBAN RESIDENTIAL DISTRICT

WHEREAS, the Loudon County Commission in accordance with Chapter Four, Section 13-7-105 of the Tennessee Code Annotated, may from time to time, amend the number, shape, boundary, area or any regulation of or within any district or districts, or any other provision of any zoning resolution, and

WHEREAS, the Regional Planning Commission has forwarded its recommendations regarding the amendment to the Zoning Map of Loudon County, Tennessee, and the necessary public hearing called for and held,

NOW THEREFORE, BE IT RESOLVED by the Loudon County Commission that the Zoning Map of Loudon County, Tennessee be amended as follows:

- 1. That property at 180 Corinth Church Road, located in the fourth Legislative District, referenced by Tax Map 62, Parcel 94.00, be rezoned from A-2, Rural Residential District, to R-1, Suburban Residential District, as represented on the attached map; said map being part of this Resolution.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately, the public welfare requiring it.


ATTEST


LOUDON COUNTY EXECUTIVE

The vote on the question of approval of this Resolution by the Planning Commissions is as follows:

APPROVED: 7
DISAPPROVED: 0

APPROVED: 11
DISAPPROVED: 0


ATTEST: SECRETARY, LOUDON REGIONAL PLANNING COMMISSION


ATTEST: SECRETARY, LOUDON COUNTY PLANNING COMMISSION

96-4-39-RZ-CO

Exp = F

621
RESOLUTION NO. 6396

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE *TENNESSEE CODE ANNOTATED*, TO REZONE PROPERTY BOUNDED BY SOUTHERN RAILROAD RIGHT OF WAY, MARTEL ROAD, SHAW FERRY ROAD, OLD MIDWAY ROAD, VIRTUE ROAD AND WILSON ROAD SUBSTITUTING THE CURRENT R-E SINGLE FAMILY EXCLUSIVE OVERLAY DISTRICT IMPOSED UPON THE EXISTING BASE ZONE(S) BY ADDING A NEW R-E, SINGLE FAMILY EXCLUSIVE OVERLAY DISTRICT WITHIN THE AREA DESCRIBED, EXCLUDING ALL COMMERCIAL PROPERTY WITHIN THE AFFECTED AREA

WHEREAS, the Loudon County Commission in accordance with Chapter Four, Section 13-7-105 of the *Tennessee Code Annotated*, may from time to time amend the number, boundary, area, or any regulation of or within any district, or any other provisions of any zoning resolution, and

WHEREAS, the Regional Planning Commissions have forwarded recommendations regarding the amendment to the Zoning Resolution of Loudon County, Tennessee, and the necessary public hearing has been publicly announced and held, and

WHEREAS, the Loudon County Commission some time ago approved an amendment to the Zoning Resolution of Loudon County, Tennessee, adding to Article 8, Section 5.049, an R-E, Single Family Exclusive Overlay District which imposes certain additional restrictions upon the base zone, and

WHEREAS, the exclusive overlay regulation requires a submittal of a petition containing not less than 75 percent of property owners within the boundaries of the proposed district supporting the inclusion of the overlay, and

WHEREAS, the Regional Planning Commissions have adopted procedures and guidelines which include the definition of the term "property owner", and defines eligibility for signing a petition for an overlay under Section 5.049, defining a property owner as *any person(s), firm, corporation or entity that has any interest in real property within the limits of the overlay boundary. The names of all persons appearing on the property index cards shall be considered property owners for the purpose of the overlay. In the event of corporations firms, or other entities not specifically listed, the individuals authorized to sign shall be considered as the property owner. If property is involved in an estate, the executor or administrator shall be authorized to sign. For properties in the last two categories, only one signature shall be permitted*, and

WHEREAS, on November 21, 1994, the Loudon County Commission adopted a Resolution rezoning the above described area to include the R-E, Single Family Exclusive Overlay District under the impression that the applicants had adequately demonstrated that the required minimum number of petitioners had responded favorable to the overlay, and

EX-19

WHEREAS, the Resolution establishing the Martel Overlay Residential Zone has been challenged by a lawsuit, *Henry v. Loudon County Planning Commission, et al*, and the attorneys to the suit have reached a compromise settlement which will have been considered by all parties prior to being considered by the Loudon County Commission; and

WHEREAS, the Loudon County Commission, assuming that all parties will favor and approve the settlement among the parties, desires to ratify and approve its original designation of the Martel R-E rezoning; and

WHEREAS, on April 3, 1995, the Office of Planning and Community Development reviewed property index cards on file at the County Property Assessor's Office and for purposes of the verification process, determined that the total number of property owners within the boundaries amounted to 844, and

WHEREAS, petitions have been periodically submitted to the Loudon County Office of Planning and Community Development beginning in September, 1994, and concluding on August 7, 1995, the sum total of all petitions amounting to 639 property owners, which equates to 75.7 percent based on the total number of property owners identified on or about April 3, 1995, and

WHEREAS, as required by State law and the Loudon County Zoning Resolution, after the certification of the 75% plus petitioners, the Lenoir City Planning Commission and the Loudon County Planning Commission have reviewed the proposed change to the described Martel area, and both have recommended the adoption of the new R-E overlay zone classification, and

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, that because questions have arisen as to whether all procedural requirements were met prior to the original adoption of the rezoning to R-E for the described area, **the action taken by the Loudon County Commission in special called session on November 21, 1994, is hereby repealed in its entirety, and**

THEREFORE, BE IT FURTHER RESOLVED, that the Loudon County Commission accepts the filing of the multiple petitions as herein described (and which are now filed in the County Clerk's Office) and the Commission adopts a new R-E, **Single Family Overlay District zone for the area** bounded by Norfolk Southern Railroad Right of Way, Martel Road, Shaw Ferry Road, Old Midway Road, Virtue Road and Wilson Road, which are the identical boundaries to the original R-E overlay zone, excluding properties currently zoned commercial, said area being further described on the attached map, with said map being incorporated herein as a part of this Resolution.

BE IT FINALLY RESOLVED that this Resolution be adopted immediately, the public welfare requiring it.

COUNTY CHAIRMAN

APPROVED:

COUNTY EXECUTIVE

ATTEST:


COUNTY CLERK

DATE ADOPTED: 6-3-96

The vote on the question of approval of this Resolution by the Planning Commissions is as follows:

APPROVED: 6

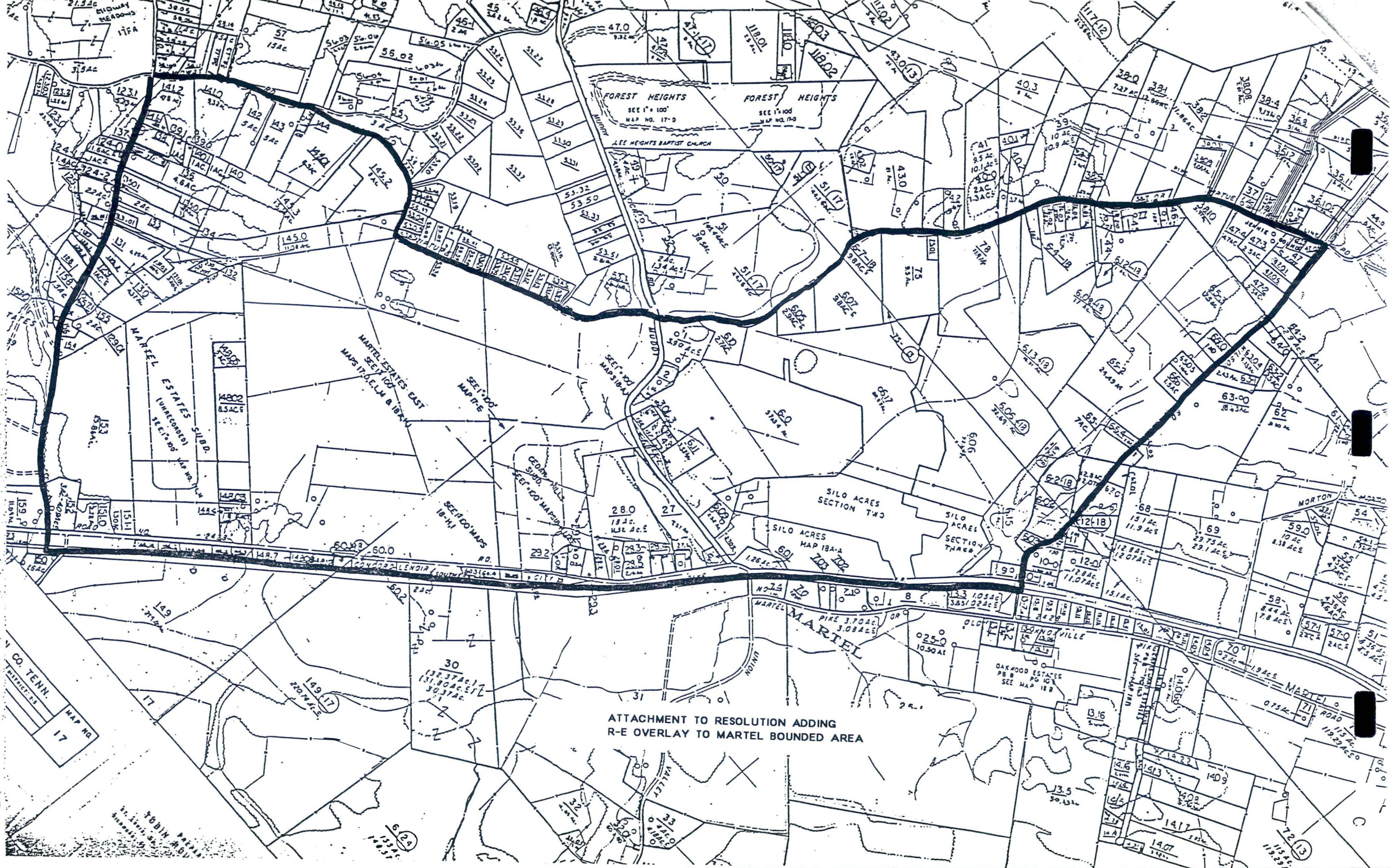
DISAPPROVED: 0


ATTEST: SECRETARY, LENOIR CITY REGIONAL
PLANNING COMMISSION
DATE: MAY 7, 1996

APPROVED: 11

DISAPPROVED: 0


ATTEST: SECRETARY, LOUDON COUNTY
PLANNING COMMISSION
DATE: MAY 9, 1996



ATTACHMENT TO RESOLUTION ADDING
R-E OVERLAY TO MARTEL BOUNDED AREA

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