

▶ **FILE #:** 4-K-06-UR

**AGENDA ITEM #:** 95

**AGENDA DATE:** 4/13/2006

▶ **APPLICANT:** RIPTIDE PAINTBALL, INC.

OWNER(S): JOE KIRK

TAX ID NUMBER: 93 N A 005.07

JURISDICTION: City Council District 2

▶ **LOCATION:** Southeast side of Middlebrook Pike, northwest of Millard Beets Rd

▶ **APPX. SIZE OF TRACT:** 3 acres

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Middlebrook Pike, a major arterial street with a four lane divided median section within a required right-of-way of 112'.

UTILITIES: Water Source: Knoxville Utilities Board  
 Sewer Source: Knoxville Utilities Board

▶ **ZONING:** I-3 (General Industrial) & R-1 (Single Family Residential)

▶ **EXISTING LAND USE:** Mixed businesses

▶ **PROPOSED USE:** Indoor and outdoor paintball fields

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING:  
 North: Mixed businesses / I-3 (General Industrial)  
 South: Residences / R-1 (Single Family Residential)  
 East: Residences / R-1 (Single Family Residential)  
 West: Mixed businesses / I-3 (General Industrial)

NEIGHBORHOOD CONTEXT: The site is located in an area along Middlebrook Pike that has developed with a mix of industrial uses under the I-2 and I-3 zoning districts. This industrial area borders a residential subdivision to the south.

**STAFF RECOMMENDATION:**

▶ **APPROVE** the request for a paintball business with indoor and outdoor paintball fields in the I-3 zoning district subject to the following 8 conditions:

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Engineering Division.
3. Adhering to the safety rules and procedures as outlined in the letter from the applicant.
4. Modifying the fenced enclosure for the outdoor fields so that the operation does not occur within the R-1 Zoning District.
5. Adding a 20' high nylon mesh screen around the modified fenced enclosure for the outdoor play fields. The screen shall be anchored at the bottom and secured by a non-stretchable cable at the top and bottom. Two such screens shall be installed a minimum of five feet apart to separate any spectator area from the playing area.
6. Any outdoor lighting shall be installed so that direct light and glare is shaded and directed away from all

adjoining property.

7. There shall be no amplified sound system used for the outdoor play fields.
8. Hours of operation of the outdoor fields shall cease at 9:00 pm.

With the conditions noted above, the request meets all requirements for approval within the I-3 zoning district, as well as other criteria for approval of a use on review.

#### **COMMENTS:**

The applicant is presently using an existing 20,000 square foot building at 4432 Middlebrook Pike for a paintball business including indoor play fields. A paintball business requires a use-on-review approval within the I-3 (General Industrial) zoning district. The applicant is requesting approval for the existing business and the addition of outdoor paintball play fields.

The only access to the site is from Middlebrook Pike. When the I-3 zoning was applied to this property, a buffer of approximately 100' was included along the southern and eastern property lines which adjoin Middlebrook Heights Subdivision. This buffer area remained as R-1 (Single Family Residential) zoning which is the same zoning district as the residential neighborhood.

The area proposed for the outdoor paintball play fields is a fenced enclosure (approximately 28,000 square feet) near the southeast corner of the site. A portion of the enclosure is located within a powerline easement. In comparing the aerial photography for the site with the zoning maps it was discovered that approximately a quarter of the fenced enclosure is within the R-1 zoning district (see attachment). If approval is granted for the outdoor play fields, the enclosure will have to be modified to exclude the area zoned R-1.

The applicant has submitted a letter (copy attached) addressing safety issues for operation of a paintball facility and anticipated noise generated by outdoor play. When conducting an on-site visit, the applicant demonstrated to Staff the limited firing range of the paintball guns. Staff feels that with the limited firing range, the requirement of providing a 20' high nylon mesh screen around the fenced enclosure, and the existing site conditions which include the R-1 buffer and site topography, the outdoor fields are a safe use at the proposed location.

The days and hours of operation for the business are Tuesday - Thursday, 4:00 - 9:00 pm; Friday, 4:00 - 11:00 pm; Saturday, 11:00 am - 11:00 pm; and Sunday, 1:00 - 9:00 pm. They are closed on Monday. As stated by the applicant, there will be no amplified sound system used for the outdoor play fields. However, since the site does adjoin a residential neighborhood, Staff recommends that outdoor play not continue past 9:00 pm.

#### **EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE**

1. The proposed development will have minimal impact on local services since all utilities are in place to serve this site.
2. With access only from Middlebrook Pike, the proposed facility will not impact traffic patterns of the adjoining residential neighborhood.
3. With the proposed conditions, the paintball facility should have minimal impact on adjoining uses including the residential neighborhood to the south and east.

#### **CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE**

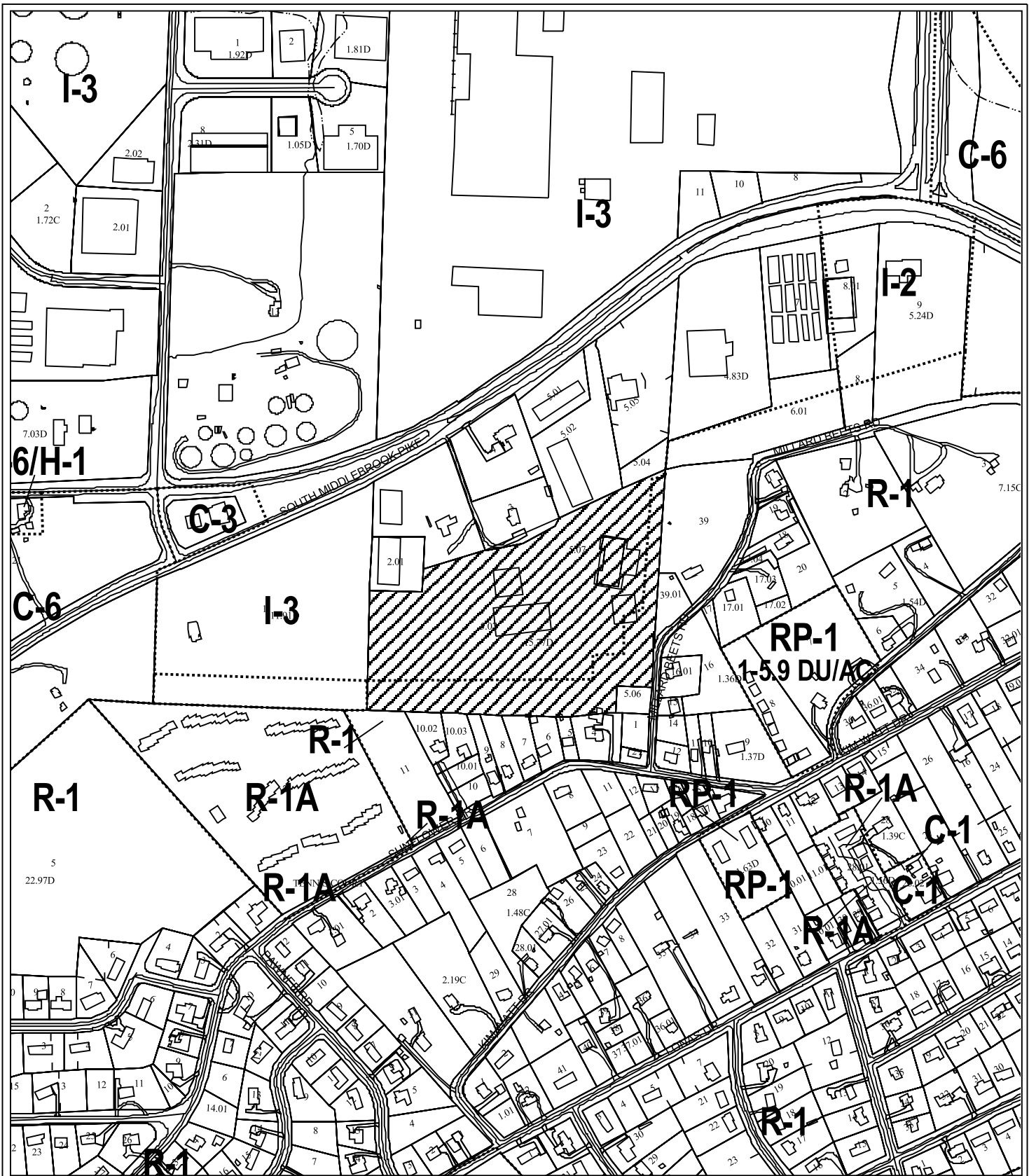
1. The proposed paintball facility is consistent with the requirements of the I-3 zoning, as well as other criteria for approval of a use on review.
2. The development is consistent with the following general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The proposed use is permitted by the I-3 district and will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

#### **CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The City of Knoxville One Year Plan proposes light industrial uses for this property for the area that is zoned I-3. The I-3 zoning of the property permits consideration of public, private and commercial athletic facilities as a use on review. The proposed use is consistent with the One Year Plan and zoning designation as regulated through the use-on-review process.

2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



4-K-06-UR  
USE ON REVIEW



Paintball Course in I-3 (General Industrial)

Original Print Date: 03/24/06 Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Riptide Paintball, Inc.

Map No: 93

Jurisdiction: City



Riptide Paintball, Inc  
4432 Middlebrook Pike  
Knoxville, TN 37921  
(865) 584-9878 - Office  
(865) 584-9877 - Fax  
[www.riptide.us](http://www.riptide.us)

4-K-06-UR

*Riptide*  
**Paintball**

March 29, 2006

Metropolitan Planning Commission  
ATTN: Tom Brechko, AICP  
Suite 403 - City County Building  
400 Main Street  
Knoxville, TN 37902

RE: Riptide Paintball, Inc : Use-on-Review Application (3-A-06-UR)

Hello Tom,

We wanted to take a moment to address some of the concerns that you have expressed in regards to the zoning issues for Riptide Paintball, Inc. located at 4432 Middlebrook Pike. The Board members have discussed your concerns and wish to address them as follows:

Safety

First, let us start off by stating that we are not typical paintball field owners. Our corporate board is composed of current and former business professionals within the Knoxville community. The managing member, myself, is a paintball enthusiast who has been playing the sport for many years and has witnessed both safe field operations and unsafe field operations. One of the driving factors for our opening of Riptide was and is to operate a safe, friendly, and professional facility.

At Riptide Paintball, our main focus and concern is safety, both on and off the field(s). We stress safety from the time a customer walks into our store until the time they leave our store.

We have signs and placards, required by our insurance carrier, posted at the required areas in our store and upon our fields. These signs include where goggle systems are required to be worn, when barrel blocking devices are required, areas that are designated for shooting, air station identification, registration area identification, field rules (included in the addendum of this letter), spectator areas and vehicle parking areas.

Before each player is allowed to enter the field of play, they must first read and sign a liability release waiver and must attend an extensive field safety briefing. Once this is completed the players are shown all related playing areas. They are shown how to properly operate their equipment and the proper way to enter and exit the field as well as proper conduct on and off the field.

4-K-06-UR

Strict adherence to our rules are expected at all times and any infractions against them are not tolerated. Players that choose to ignore or violate our rules are asked to remove themselves from our facilities immediately.

Our fields are staffed by trained and professional referee's at all times. These referee's are required to maintain control of the playing areas at all times and enforce all safety rules and measures. Our referee's are required to attend ongoing group and individual training and are supervised by a Field Manager who is always on sight.

Safety as concerned to 'overshooting' was another factor that you had mentioned during your visit to our outdoor fields. Overshooting as specified in this case, means the accidental or intentional discharge of paintballs over the field netting. As we demonstrated, a paintball gun's velocity (speed) is set for 290 feet per second for outdoor courses. This is accepted for two specific reasons. The first being safety and the second being length and accuracy of flight. The highest speed allowable in paintball is 300 feet per second. This is the maximum speed that regulated paintball apparel (especially goggle systems) are rated for. Any faster than 300 FPS can cause serious injury, especially in up close situations. This is why every paintball marker that enters the field of play must be chronographed before it can be used. Currently Riptide has two handheld units and two portable, tournament level machines.

The fall off rate for paintballs in flight is considerable. This is due in part to many factors. Paintballs are not very aerodynamic and encounter considerable drag during flight. A paintball shot at 290 FPS on a level plane will fall to the ground at 125 to 175 feet. Now given the trajectory a paintball must be shot at to discharge over a 20 foot high net, its flight path will become exceptionally shorter. We believe due to the geographical outlay of our proposed location, we pose no threat to any residential housing bordering the proposed sight, nor would we pose any threat to any of the other businesses adjoining ours. This being that the proposed course is outlaid over a lot that is "dug-in" to a hillside. This creates natural barriers on the North, East and South sides of the proposed fields. Combined with a 100 foot buffer zone between the residential area and our field that is heavily wooded, we believe that any paintballs discharged from our field will not have the range to come in contact with any of the commercial or residential properties adjoining the proposed field sight. Combine this with the strictly enforced game play layouts that we mandate, and it becomes impossible for any player on our fields to accidentally or willfully discharge paintballs into the residential areas of the community.

#### Noise

The issue of noise was also a consideration brought up during your visit. You had mentioned that one of the bordering residents had expressed concerns that we were going to utilize a PA system or loud speakers. Let us reassure you that we do not utilize any kind of noise amplification systems. All commands are given in voice only. We do not propose to use any kind of entertainment systems, such as stereo's or loudspeakers on our fields.

Combine this with the dampening effect of the close mesh netting that is required for our fields, the "dug-in" position of the fields and the woodline between our fields and the residential area, and the noise level generated from our fields should be minimal to the residential area.

## Environmental Impact

4-K-06-UR

It was also asked what impact to the environment the paintballs would have. The EPA and FDA mandate to all paintball manufacturer's that all paintballs be manufactured with non-toxic, water soluble materials. Currently paintballs contain a mixture of the following:

1. Polyethylene Glycol - Fill/Preservative
2. Gelatin - Fill
3. Sorbitol - Mixing/Blending Agent
4. Titanium Dioxide - Preservative
5. FD&C Approved Colors - Coloring
6. Water - Mixing Agent/Filler

Paintballs are manufactured to be completely biodegradable and cause no harmful effects to the environment. Depending on weather, it takes about 5-7 days for a paintball to completely degrade.

## Traffic

The entrance to Riptide Paintball facilities is located on Middlebrook Pike. Our peak hours of business are 6-9PM and weekends. This bodes well for all businesses concerned in the business park as far as traffic through the park during "normal" business hours (8am - 5pm). The majority of our traffic will be after all the other businesses are closed. Therefore it is safe to say that Riptide will not create a traffic burden for the other business located in the park

As for the residential area adjacent to our facilities, there are no through roads from this community into our business park. As stated before, the only entrance into the park is off of Middlebrook Pike. Our businesses existence will create no traffic load at all to our neighboring residential areas.

## Zoning

As you know, currently there are no exiting codes governing the placement of paintball fields within the city limits of Knoxville. There are however codes that exist at the county level, and it is our understanding that MPC is to utilize these codes in conjunction with interpreting our placement within the city limits. I would like to address a few concerns that have surfaced as a result of this decision.

First, we believe these codes to be biased and unfavorable to aspiring paintball businesses that would wish to locate their businesses in Knox County or within the limits of the City of Knoxville. The reason we believe this to be true is that these codes were drafted by, at the time, the only paintball field owner in the Knox County area, and were written to make it virtually impossible for another field to locate within the city or county, thus indirectly eliminating any competitive entities from opening up operations within the Knox County area

Secondly, many of these codes are outdated and require much needed revisions, as safety and

4-K-06-UR

performance standards have changed substantially within the paintball industry. Some of these changes include: industry standards have risen and grown as far as the strength and integrity of netting utilized on the field. Netting is closer meshed, made of stronger, more composite material and is designed for higher speed ratings. Paintball netting, at the time these codes were written, were rated for much lower impact standards and allowed a substantial amount of paint to pass through it. Standards include a "direct fire impact test". This would consist of a marker being discharged at it directly from a distance of 20 feet. Ten paintballs would be fired in rapid succession at the same spot on the netting at a rate of 280 feet per second. In order to pass standards, the netting would be required to absorb all ten shots without compromising the integrity of the net. Today's standards are at a distance of only 10 feet with a speed rating of 300 feet per second.

Today's paintball markers are also considerably more sophisticated and are not the unregulated devices they once were. Most markers carry onboard electronics that govern the rate of fire, velocity (speed in which the paintball leaves the marker), and discharge rate. Today's markers are highly efficient, consistent, and accurate.

As well as the markers of today being much more sophisticated, so too, are the paintballs that are manufactured. Paintballs, by and large are manufactured by pharmaceutical companies that utilized lag or down time on their gel-cap manufacturing machines to produce paintballs for paintball supply companies. These machines are high tech, expensive, factory automated machines that can manufacture paintballs to within microns of each other, creating much more consistent, truer flight, accurate paintballs.

Couple all of these factors with the safety features and regulations mentioned earlier and you can see that the sport of paintball is now a well regulated, well supervised, highly structured, disciplined sport.

We would also like to take some time at the close of this letter to bring to light some of the zoning standards practiced at some existing area and local fields.

Sir Gooney's Funland on Kingston Pike in Farragut operates one field directly behind a retail strip mall that is located directly off of Kingston Pike. To its other side, is a residential housing area. They currently do not meet the codes that are in place.

Smoky Mountain Paintball in Seymour, is located directly off of Chapman Highway (less than 100 feet). They do not operate under these guidelines.

Knoxville Paintball Sports, located off of Norris Freeway, is located directly off of a residential road and operates 8 speedball fields directly adjacent to residential housing and residential roads. They too do not meet the standards of Knox County's current ordinances.

The Alternative Sport, in Blountville, Tennessee, operates a speedball field less than 25 feet from a major state highway. They would not meet Knox County Standards.

Classic Paintball, located in Atlanta, Georgia, just hosted a major regional tournament series, the



4-K-06-UR

CFOA (Carolina Field Owners Association). They are located less than 100 feet from I-285, a major 4 lane exchange.

Paintball Central of Rock Hill, South Carolina, who also just hosted a CFOA event and is to host another CFOA event at the end of this month, is bordered by residential housing as well as a major arterial road. They would not meet the standards set in Knox County.

We point out these fields as examples not to merely state that Knox County's codes are unfair, but rather to bring to light the fact that they are antiquated, biasedly composed by a now former field owner, and are in need of many revisions. If all the above fields can operate safe fields in their locations, there is no reason why Riptide Paintball cannot also do the same.

In conclusion, we respectfully request that the MPC, upon review of the facts of this letter and your field sight visit, recommend approval of our sight. Frankly, Riptide Paintball is not modeled to generate profit enough to sustain its interests solely from the revenue generated from its indoor fields. We are wholly dependant upon the income generated by field fees and paintball sales of our outdoor fields.

Also upon a wider scope, we are dependant upon operating a store front and fields, to attract a national tournament venue to the Knoxville Metropolitan area. We have been working extensively with Ms. Keely Waston of the PSP (Paintball Sports Promotions) out of Huntington Beach, California to set up a venue in the City of Knoxville. The PSP is one of two dominant national tournament paintball events that features both professional teams as well as amateur teams. This venue would bring in an estimated 300 - 5-man teams from all over the country, as well as coaches, family members, fans, event sponsors, and over 70 PSP event personnel to participate in this six day event and would generate well over \$1,000,000.00 dollars for the Knoxville Metropolitan area. In short, if we lose our store front, we lose the ability to attract such a tournament.

Again, we ask for a favorable recommendation from your office to the review board.

Thank you for your time and fairness in this matter. We look forward to speaking with you in the very near future.

Respectfully,

Daren W. Steadman  
President

ANDERSON NEWS COMPANY

OUTDOOR

FIELDS

CHRONO  
STATION

BLDG 4423

INDOOR FIELDS

PROSHOP

**U.O.R.**

DATE

4-K-06WR

3-10-06

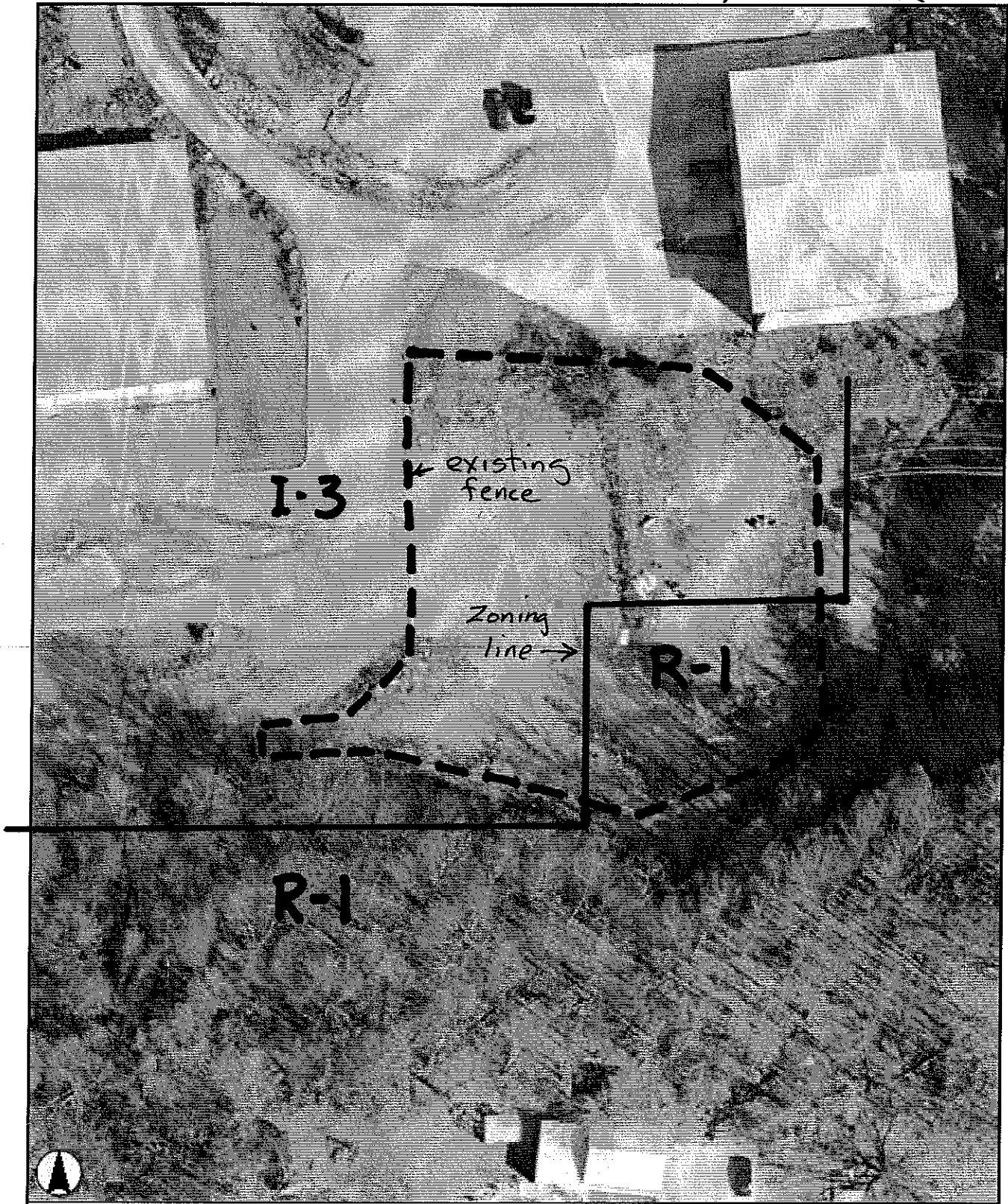
TO CHERRY STONE  
& FULL SERVICE  
AUTO

MPC 4/13/2006

CHERRY  
STONE  
&  
FULL  
SERVICE  
AUTO

Agenda Item 95

4-K-06-UR



© KGIS 2006

0 60ft

### KGIS Map

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37902 - [www.kgis.org](http://www.kgis.org)

Printed: Tue Mar 28 2006

Disclaimer: KGIS makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product. KGIS - Copyright © 2005