

ARTHUR G SEYMOUR JR
FRANCIS A. CAIN
ROBERT L. KAHN
REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
IMOGENE A. KING
JOHN M. LAWHORN
JAMES E. WAGNER
BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR
MATTHEW A. GROSSMAN
SHARON POTTER
KEVIN A. DEAN

LAW OFFICES
FRANTZ, McCONNELL & SEYMOUR LLP
ESTABLISHED 1903

Email: cjseymour@fmsllp.com

Direct Fax: 865-541-4612

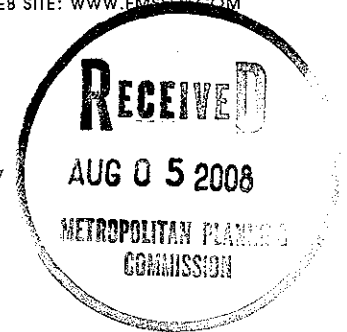
August 5, 2008

550 W MAIN STREET
SUITE 500
P O Box 39
KNOXVILLE TENNESSEE 37901

TELEPHONE: 865-546-9321

FACSIMILE: 865-637-5249

WEB SITE: WWW.FMSLLP.COM



Via hand delivery

Mr. Ken Pruitt
Metropolitan Planning Commission
Suite 403, City-County Building
400 Main Avenue
Knoxville, TN 37902

Re: Item No 56 – LKM Properties, LP

Dear Mr. Pruitt:

In connection with the above-captioned matter, would you please place this letter with attachments into the packet:

1. Diagram showing current Zoning and proposed Rezoning of 8/10 of an acre;
2. Composite Plan prepared by Batson Himes Norvell & Poe showing the configuration of the Weigels store under the existing Zoning;
3. Composite diagram prepared by Batson Himes Norvell & Poe showing the configuration of the Weigels store if the Rezoning is approved (as you will note this allows better buffers and setbacks); and
4. Petition from neighborhood residents supporting the Rezoning.

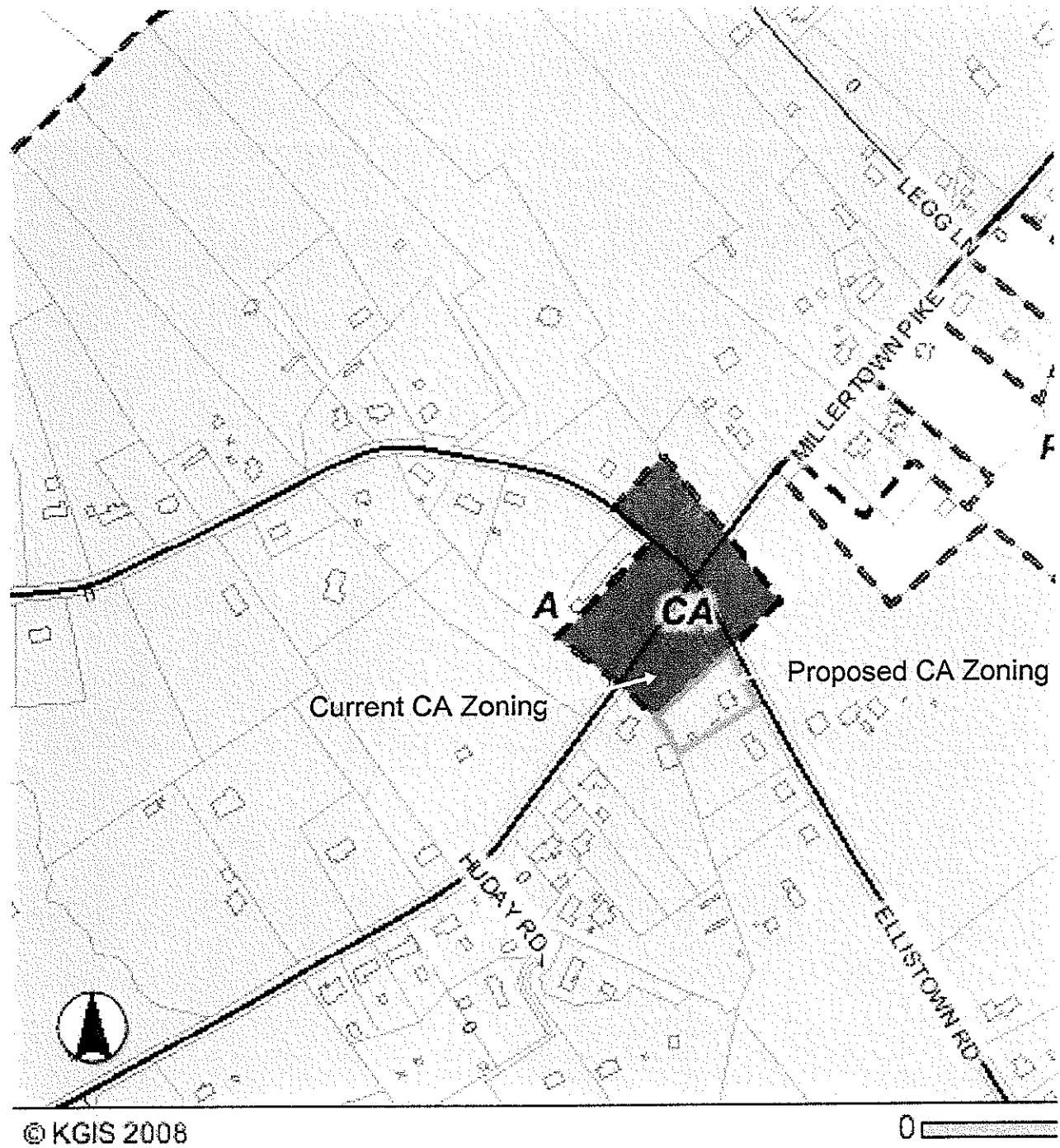
If you have any questions about this, please let me know.

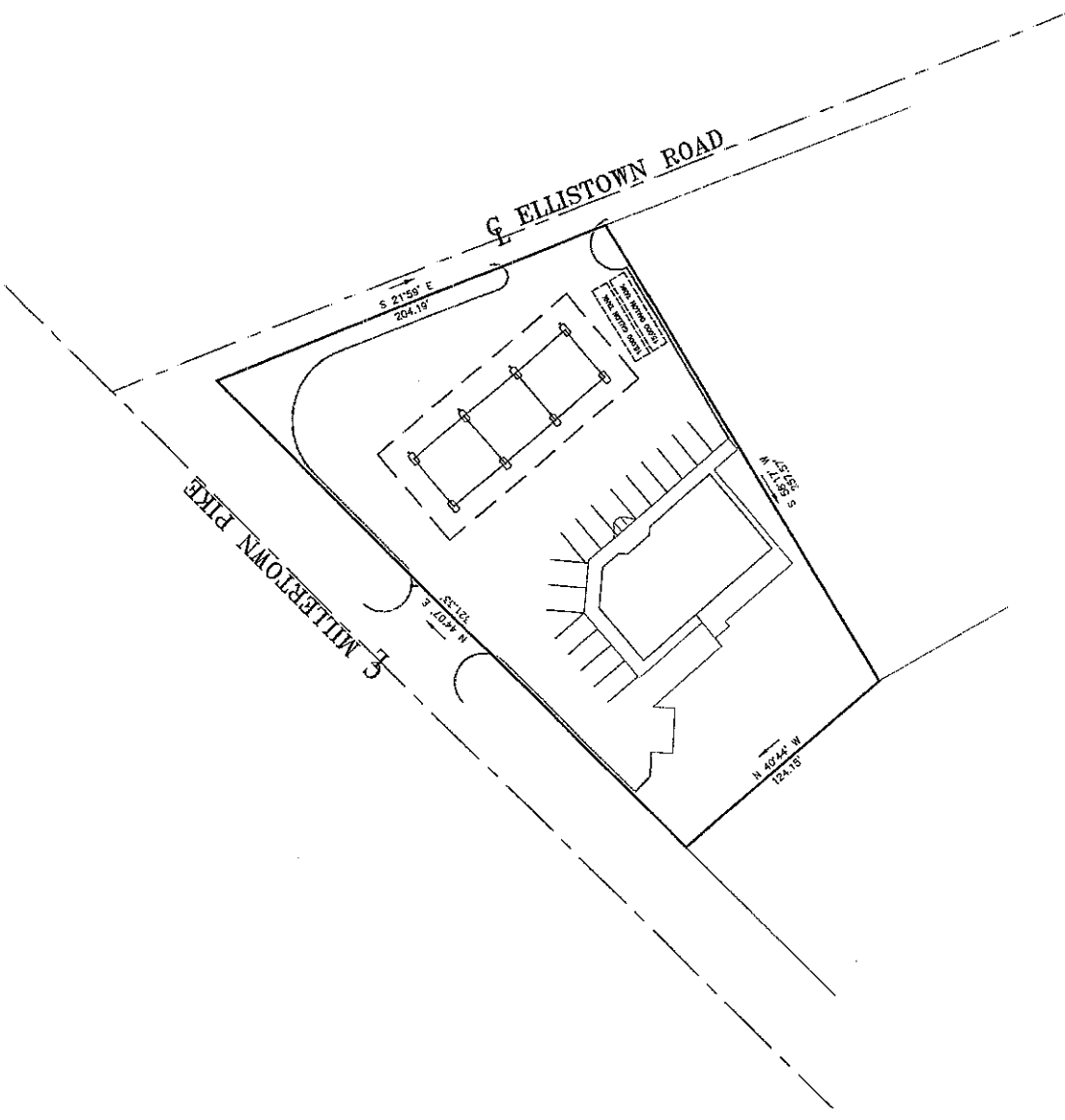
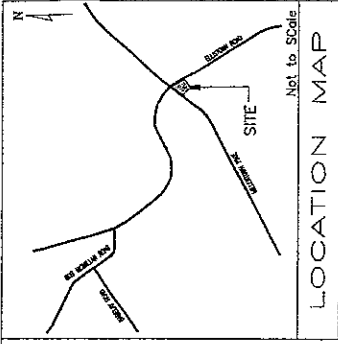
Very truly yours,

A handwritten signature in black ink, appearing to read "Arthur G. Seymour, Jr.", written over a circular stamp.

Arthur G. Seymour, Jr.
FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:alh
Enc.





COMPOSITE PLAN

FOR

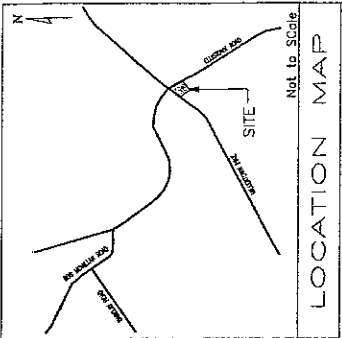
WEIGEL'S
 ELLISTOWN ROAD AND
 MILLERTOWN PIKE

C-L-T MAP 57, PARCELS 17 & 18
 DISTRICT 6, KNOX COUNTY, TN.

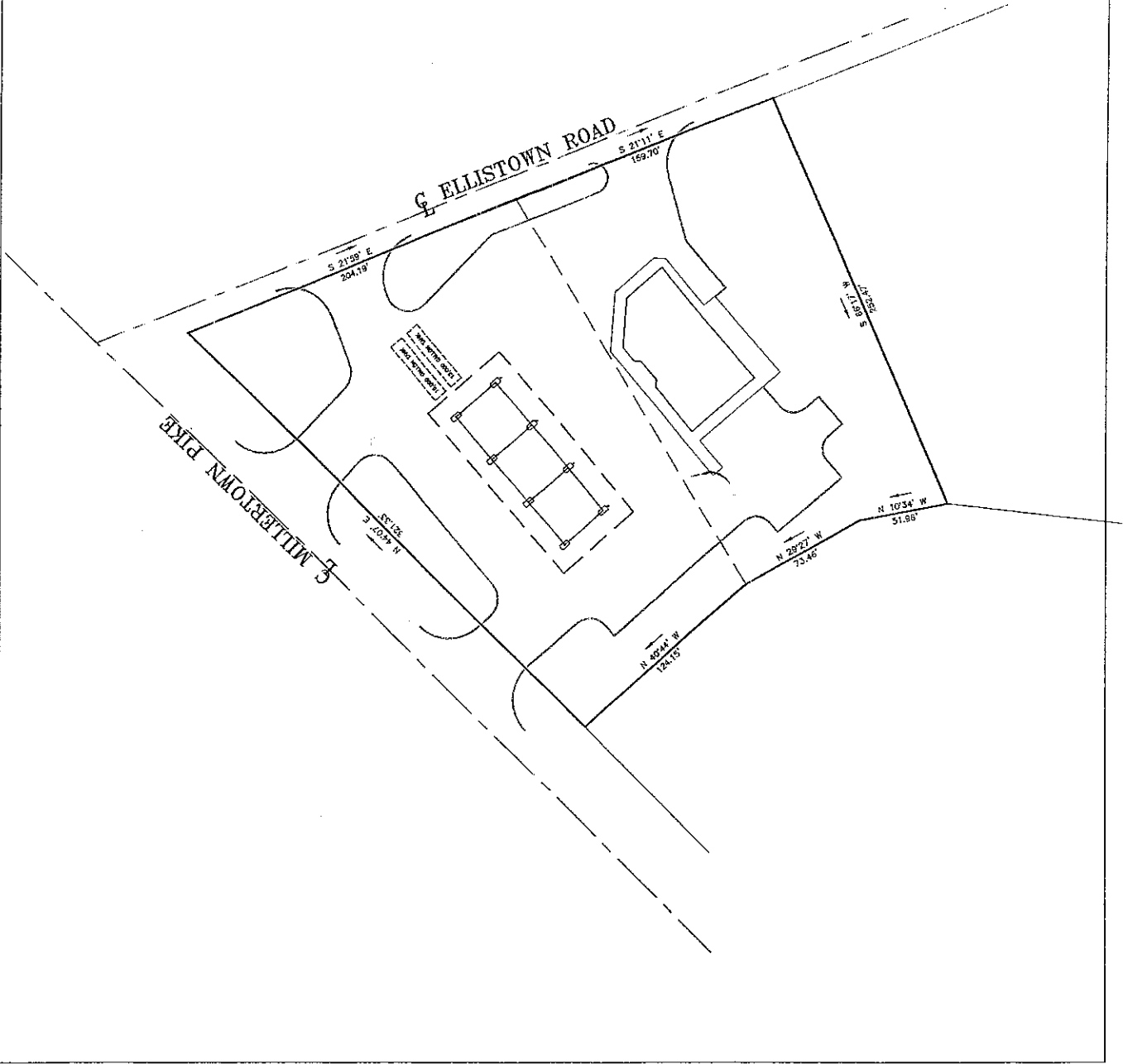
SCALE: 1" = 40' APRIL 22, 2008



BATSON HINES NORVELL & POE
 REGISTERED ENGINEERS & LAND SURVEYORS
 4334 PAPERHILL DRIVE
 KNOXVILLE, TENNESSEE 37909
 PHONE: (615) 938-4572
 FAX: (615) 938-4573
 email@bhnp.com



NOTES:



COMPOSITE PLAN

FOR

WEIGEL'S
 ELLISTOWN ROAD AND
 MILLERTOWN PIKE

C-L-T MAP 57, PARCELS 17 & 18

DISTRICT 6, KNOX COUNTY, TN.

SCALE: 1" = 40' APRIL 22, 2008



BATSON, HIMES, NORVELL & JOE
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 4334 PAPERMILL DRIVE
 KNOXVILLE, TENNESSEE 37909
 PHONE (615) 588-6472
 FAX (615) 588-6473
 email@bhn-mp.com

REFERENCE DEEDS: INSTR #200510060031904
 DEED BOOK 2002, PAGE 114

Homeowners in support of the property being rezoned

Subject property located at:

2721 Ellistown Road
Knoxville, TN 37924

I am either a neighbor or community member of the subject property. I am in support of this property being rezoned to commercial.

Signature Address

1. Ernest W Brown 1718 Rising Rd Knox 37924

2. Robert & Charlotte Wright 2510 Bob Carnes Rd. Knox 37924

3. Dianne Brown 7018 Rising Rd Knox 37924

4. D'annunzio Walker 17316 Ellistown 37924

5. Ollie Brandon 2906 Ellistown Rd
Knoxville, TN

6. Wanda White 2906 Ellistown Rd
Knoxville, TN

7. Mary J Truitt 8005 Millertown Pike
Knoxville, TN 37924

8. William R [unclear] 5005 Millertown Pike
Knoxville, TN 37924

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2721 Ellistown Road
Knoxville, TN 37924

I am either a neighbor or community member of the subject property. I am in support of this property being rezoned to commercial.

Signature

Address

9 Keith Tipton 2709 Ellistown Road

10 Mary Tipton 2709 Ellistown Road

11 Carol Tipton 2709 Ellistown Rd

12 Bob Kradenets 2816 Mary Emory

13 Varen Burson 7910 Millertown Pike

14 Butch Burson 7910 Millertown Pike

15 Josh Burson 7910 Millertown Pike

8

16 ~~3~~ *J. J. L.* 2717 Ellistown Rd. 37924

10. _____

11. _____

ARTHUR G. SEYMOUR, JR.
FRANCIS A. CAIN
ROBERT L. KAHN
REGGIE E. KEATON
DONALD D. HOWELL
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Email: ajseymour@fmsllp.com
Direct Fax: 865-541-4612

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FACSIMILE: 865-637-5249
WEB SITE: WWW.FMSLLP.COM

August 13, 2008

To Members of the Metropolitan Planning Commission

Re: Item No. 56 – LKM Properties

This matter was originally before the Planning Commission on June 12, 2008. At that time, the Applicant requested a Commercial Sector Plan Designation and CA Zoning for a small lot on Ellistown Road. A copy of the Staff Report recommending those changes is attached hereto.

Until the day of the meeting, the matter was on the Consent Agenda. Unfortunately, Mr. Weigel nor Mrs. Weddington was not present at the meeting. A Mr. Jeff Brandon appeared, objected and the matter was denied. It then went to the County Commission on Appeal and because of concerns about its ability to change the Sector Plan, the matter was referred by County Commission back to the Metropolitan Planning Commission which brings it before you tomorrow.

Staff has now recommended Neighborhood Commercial, Sector Plan and Zoning for this property which the Applicant did not request.

Neighborhood Commercial will not work for a Weigel's Store. Mr. Weigel earlier built a store at Washington Pike on property zoned CN and was required to obtain eight (8) variances. A zone which requires so many variances is not, I submit, good land use planning.

The application here is simply to rezone and amend the Sector Plan on a small lot. Mr. Weigel has explained in his letter which he sent to you earlier, a copy of which is attached, why he is requesting the rezoning of Mrs. Weddington's property.

Mr. Brandon who appeared at your June 12 meeting to oppose the zoning will, I anticipate, be back at your meeting tomorrow to oppose this again. He expressed concerns about lighting, water and leakage from the gasoline tanks. After the County Commission Meeting, Mr. Weigel asked Mr. Brandon to go with him to other Weigel's Stores to show him that his concerns were unfounded. Mr. Brandon did not return Mr. Weigel's calls. Gary Norvell, the engineer on the project, has also tried to reach Mr. Brandon to discuss his concerns with him, but Mr. Brandon did not return his calls. Mr. Norvell ultimately left a packet of material at Mr. Brandon's house.

The issue is not whether Mr. Weigel can build a store at this location, under the existing Zoning, he can.

The issue is: can he build a store at this intersection with larger buffering and setbacks? If you approve the zoning originally requested, and which was recommended by MPC Staff on June 12, 2008, he can.

We would therefore urge you to approve the original request as recommended by MPC Staff on June 12, 2008.

If you have any questions, please let me know.

Sincerely,



Arthur G. Seymour, Jr.
FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:alh
Enc.



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 6-A-08-RZ
6-A-08-SP

AGENDA ITEM #: 45
AGENDA DATE: 6/12/2008

▶ **APPLICANT:** LKM PROPERTIES, LP
OWNER(S): WEDDINGTON J DEE & GEORGIA

TAX ID NUMBER: 51 A A 017 & 018 PARCEL 18 ONLY FOR RZ
JURISDICTION: Commission District 8

▶ **LOCATION:** Southwest side Ellistown Rd., southeast of Millertown Pike

▶ **TRACT INFORMATION:** 0.8 acres.

SECTOR PLAN: Northeast County

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

ACCESSIBILITY: Access is via Ellistown Rd., a major collector street with 18' of pavement width within 40' of right of way or Millertown Pike, a minor arterial street with 18' of pavement width within 40' of right of way.

UTILITIES: Water Source: Northeast Knox Utility District
Sewer Source: Knoxville Utilities Board

WATERSHED: Legg Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) / CA (General Business)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Convenience store

EXTENSION OF PLAN DESIGNATION/ZONING: Not an extension of plan designation, but it is an extension of CA zoning from the northwest

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Millertown Pike - Church and parking / LDR / CA (General Business)
South: House / LDR / A (Agricultural)
East: Ellistown Rd. - Vacant pastureland / LDR / CA (General Business) and A (Agricultural)
West: House / LDR / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is primarily developed with agricultural and rural residential uses under A zoning. At the intersection of Millertown Pike and Ellistown Rd., there is a church and a small grocery and deli, zoned CA.

STAFF RECOMMENDATION:

▶ **APPROVE C (Commercial) sector plan designation for both parcels (17 & 18).**

CA zoning is already established on one of the two subject parcels and all four corners of the adjacent intersection, unrecognized on the sector plan. Approval of the requested commercial designation for both parcels would bring the plan into consistency with the established zoning on parcel 17 and allow for a larger development site by including parcel 18. Commercial development should be concentrated within nodes at the intersection of collector or arterial streets.

► **APPROVE CA (General Business) zoning.**

CA is a logical extension of zoning from the northwest to create a larger development site for the proposed commercial use.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The recommendation is compatible with the scale and intensity of the surrounding development and zoning pattern.
2. All four corners of the intersection of Millertown Pike and Ellistown Rd. are zoned CA. One is developed with a church and another is developed with a grocery and deli business.
3. CA zoning for parcel 18 would allow it to be combined with parcel 17, already zoned CA, to create a larger, more suitable development site under one zoning designation.
4. The subject parcels are located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan. The sector plan proposes low density residential uses for all of the surrounding area and most of the length of Millertown Pike, which could be proposed for residential development of up to 5 du/ac. This residential development would warrant the establishment of appropriately located commercial uses in the area to provide goods and services to area residents. This site is less than a mile north on Ellistown Rd. from Rutledge Pike, a 4 lane major arterial facility. It is likely that this intersection is heavily used by drivers traveling between Millertown Pike and Rutledge Pike.

THE EFFECTS OF THE PROPOSAL

1. Public water is available at the site. Sewer utilities are available in the area, but may need to be extended to serve the site.
2. The proposal will have no impact on schools. Millertown Pike is a minor arterial street and Ellistown Rd. is a major collector street. Both streets should have the capacity to handle additional trips that would be generated by commercial development of this site.
3. The proposal is compatible with surrounding development and zoning and will have a minimal impact on adjacent properties.

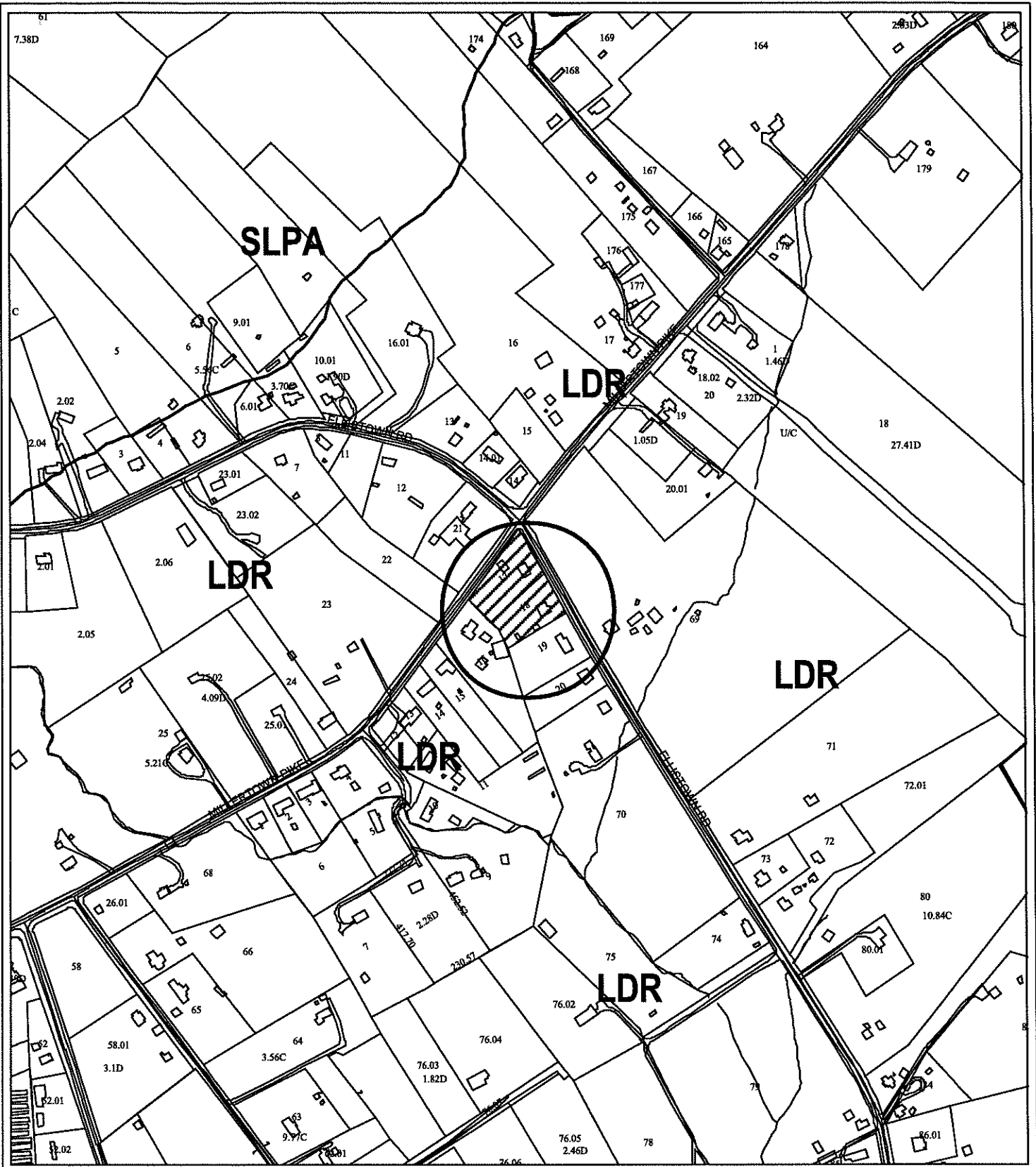
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended sector plan amendment to commercial on both parcels, both the existing and proposed CA zoning would be consistent with the Northeast County Sector Plan proposal.
2. This site is located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may lead to future sector plan and rezoning requests for commercial in the immediate area. However, the sector plan does not propose additional commercial uses in this area. Individual requests will need to be reviewed on a case by case basis.

ESTIMATED TRAFFIC IMPACT: Not calculated.


ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 7/28/2008. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



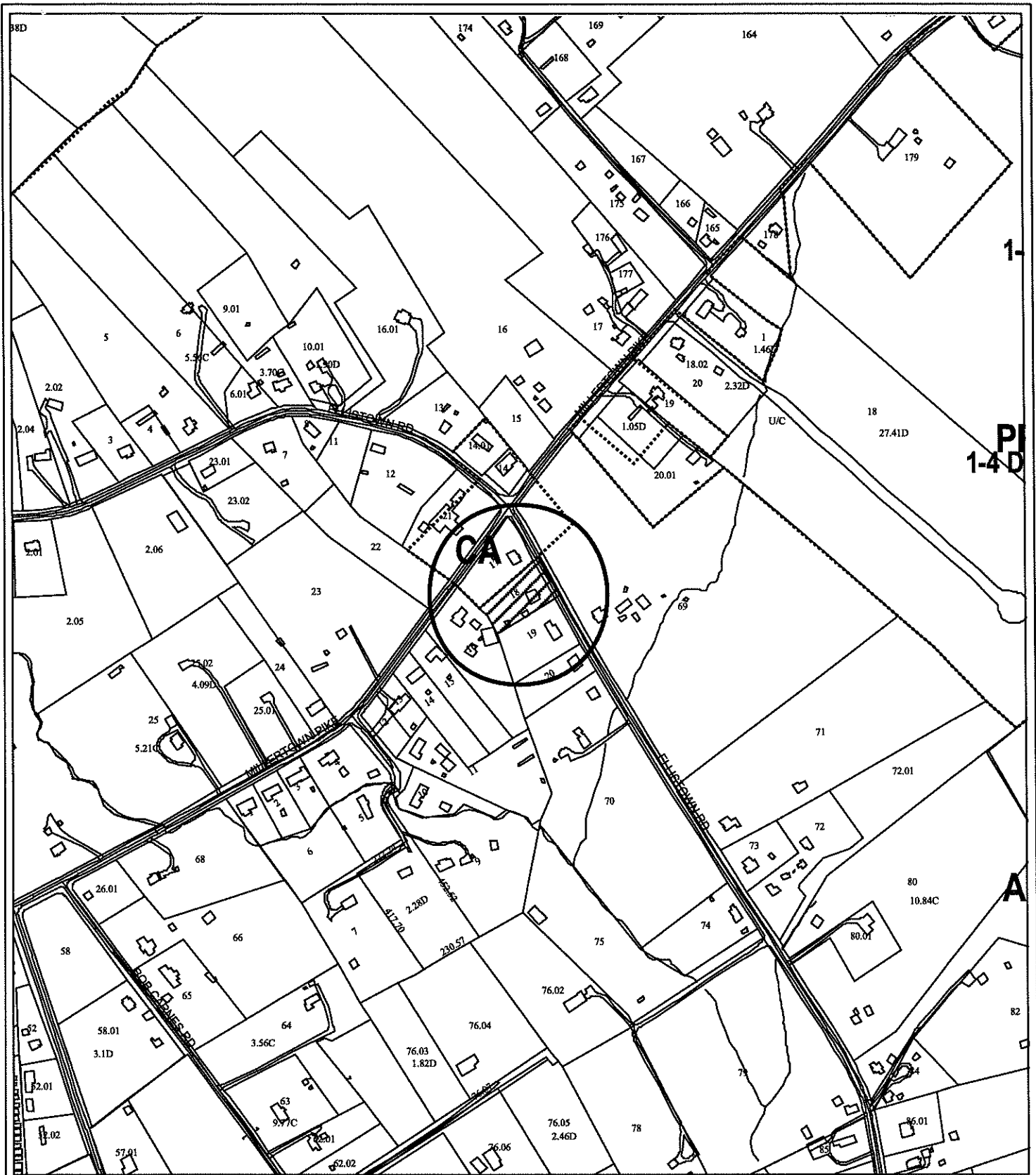
**6-A-08-SP/6-A-08-RZ
SECTOR PLAN AMENDMENT
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

Petitioner: LKM Properties, LP
 Map No: 51
 Jurisdiction: County

 From: LDR (Low Density Residential)
 To: C (Commercial)

Original Print Date: 06/02/08 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**6-A-08-RZ
REZONING**



From: A (Agricultural)
To: CA (General Business)

Original Print Date: 05/22/08 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: LKM Properties, LP

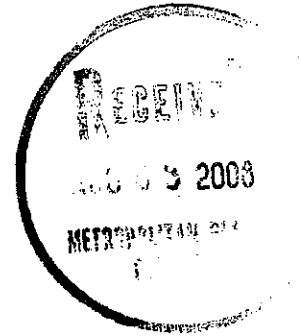
Map No: 51

Jurisdiction: County





Weigel Stores, Inc.
Corporate Office
3100 Weigel Lane
Powell, TN 37849
(865) 938-2042 – Voice
(865) 938-2444 – Fax



July 30, 2008

Stan Johnson
MPC
400 Main Street
Knoxville, TN 37902

Re: 6A-08-SP
6A-08-RZ
LKM Properties, LP
Property owner Georgia Weddington

Dear Commissioner Johnson:

The above matter was before you on June 12, 2008. It was on the Consent Agenda until the meeting when a property owner who lived nearby had it removed. Our request for a Plan Amendment and Rezoning was denied at that time. I was not present at the meeting because I understood there was no opposition to our request which was supported by MPC Staff.

After the MPC meeting we appealed it to County Commission which upon the advise of the Knox County Law Director remanded it to you for consideration of the Sector Plan Amendment and zoning.

This is a request to Rezone 8/10 of an acre CA on Ellistown Road. The property in the southwest quadrant of Ellistown Road and Millertown Pike is owned by LKM Properties and will be developed as a Weigel's store. It has been Zoned CA for a number of years. The lot in question is owned by an older lady, Georgia Weddington. She approached LKM about a sale of her property so she could move into a condominium inasmuch as she had decided that housekeeping in a single family house was getting a bit much for her. LKM will purchase her property if it can be Rezoned. Mrs. Weddington's neighbors support this Request.

The acquisition of Mrs. Weddington's property and its Rezoning to CA will allow a slightly larger store with more buffering from surrounding properties.

To illustrate, I enclose herewith the following:

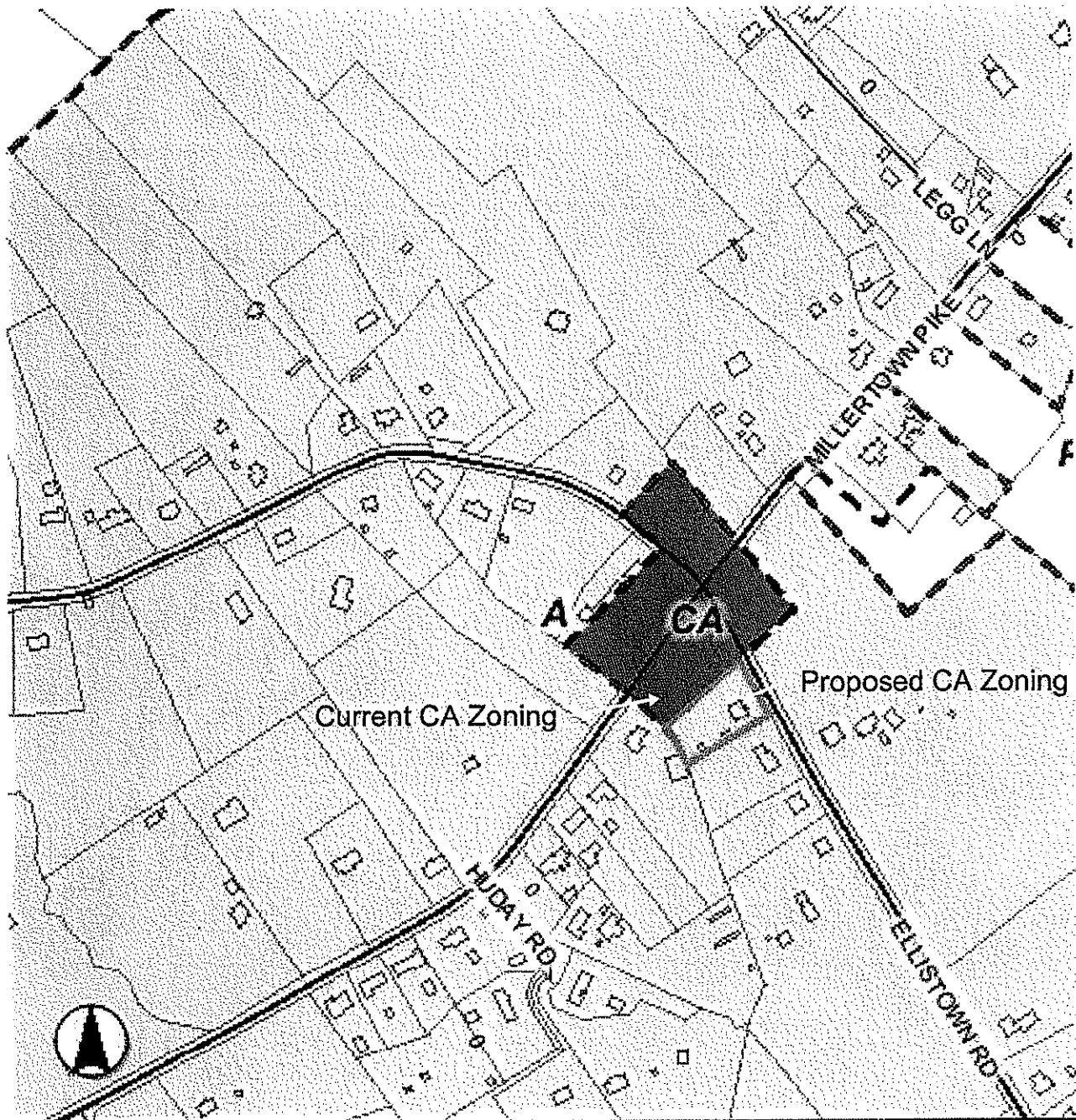
1. Diagram showing current Zoning and proposed Zoning;
2. The MPC Staff Report;
3. A composite plan for Weigel's locating it on the existing CA Zoning; and
4. A composite drawing showing a newer layout with Mrs. Weddington's property included.

I would urge you to approve the CA Zoning as recommended by MPC Staff.

If you have any questions about this, please contact me.

Very truly yours,

William B. Weigel



© KGIS 2008



STAFF RECOMMENDATION:

- ▶ **APPROVE C (Commercial) sector plan designation for both parcels (17 & 18).**
-

CA zoning is already established on one of the two subject parcels and all four corners of the adjacent intersection, unrecognized on the sector plan. Approval of the requested commercial designation for both parcels would bring the plan into consistency with the established zoning on parcel 17 and allow for a larger development site by including parcel 18. Commercial development should be concentrated within nodes at the intersection of collector or arterial streets.

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COMMENTS:

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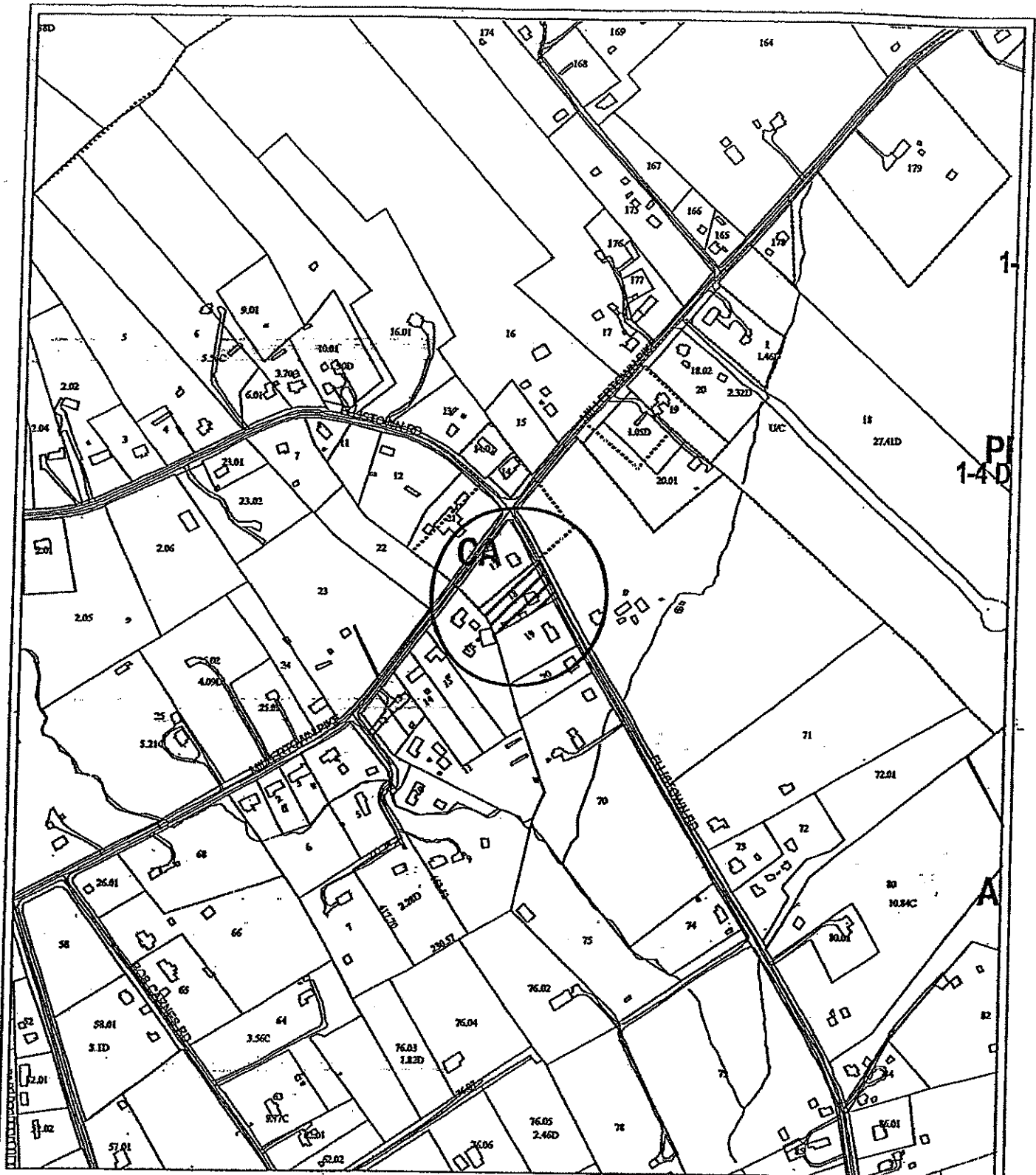
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P
1-40

**6-A-08-RZ
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From: A (Agricultural)

To: CA (General Business)

Original Print Date: 05/22/08 Revised:

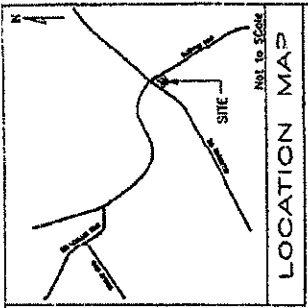
Metropolitan Planning Commission * City / County Building * Knoxville, IN 37902

Petitioner: LKM Properties, LP

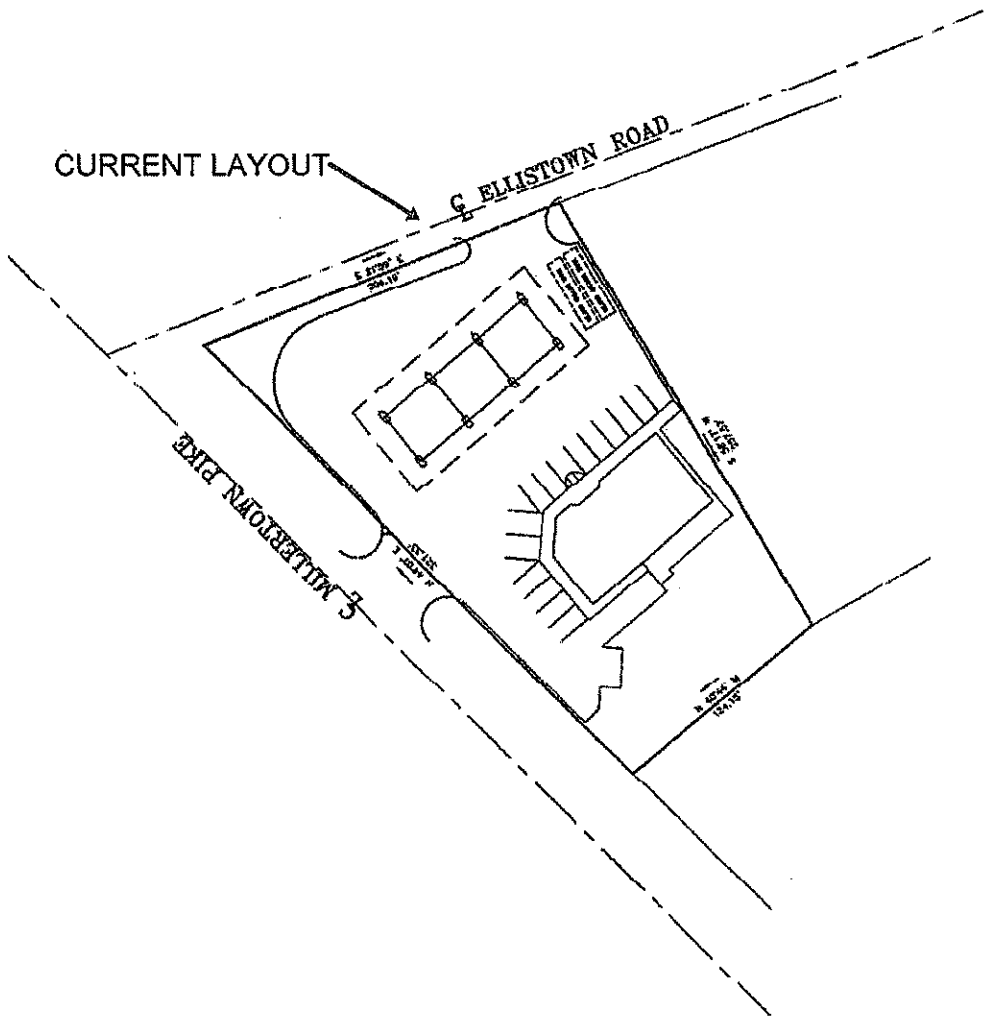
Map No: 51

Jurisdiction: County





Not to Scale
LOCATION MAP

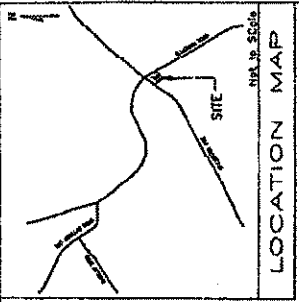


CURRENT LAYOUT

G ELLISTOWN ROAD

E MILLERTOWN PIKE

COMPOSITE PLAN
FOR
WEIGEL'S
ELLISTOWN ROAD AND
MILLERTOWN PIKE
C-1-T MAP 57, PARCELS 17 & 18
DISTRICT 6, KNOX COUNTY, TN.
SCALE: 1" = 40' APRIL 22, 2008
40 20 0 40 80
RAYSON, JAMES, KORNELL & POE
REGISTERED PROFESSIONAL ENGINEERS
PO BOX 1000000, DUBLIN, GA 31008
TEL: (770) 486-4477
FAX: (770) 486-4471
www.rjkpe.com



COMPOSITE PLAN
FOR
WEIGEL'S
ELLISTOWN ROAD AND
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C-1-1 MAP 57, PARCELS 17 & 18
DISTRICT 6, KNOX COUNTY, TN.
SCALE, 1" = 40' APRIL 23, 2008

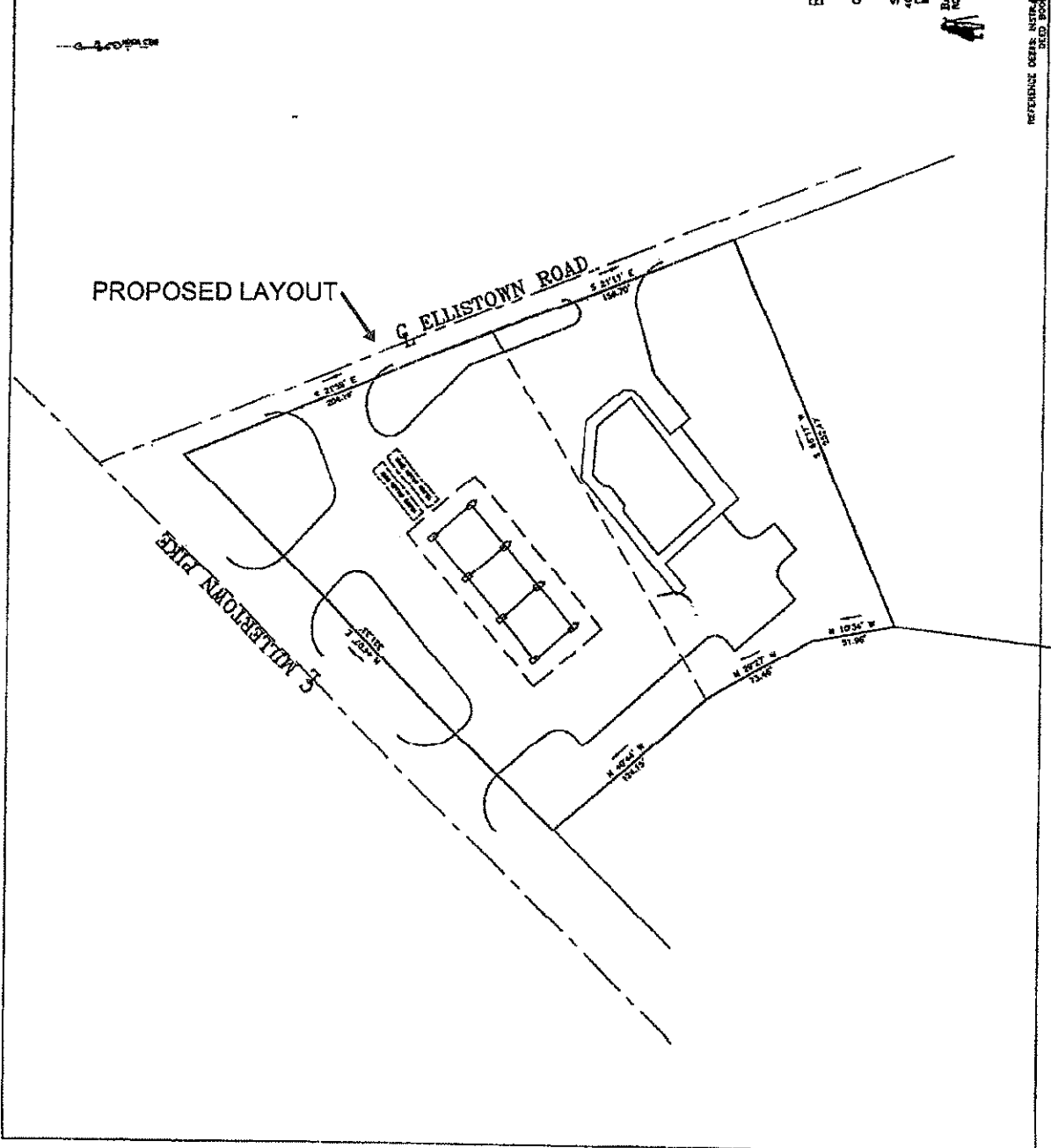
0 20 40 80

BATSON, JAMES, NORTON, & POE
REGISTERED PROFESSIONAL ENGINEERS
1000 W. MAIN ST., SUITE 200
KNOXVILLE, TENNESSEE 37902
TEL: (615) 234-4074
FAX: (615) 234-4075
jbatson@jnpoe.com

24427

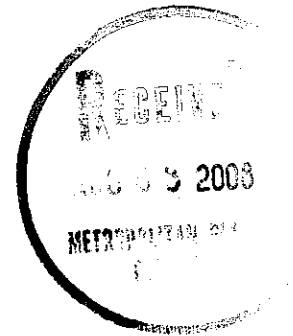
REFERENCE DEERS INSTR#20081042031905
DEED BOOK 2007, PAGE 114

6/21/11 11:40:25 AM





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Corporate Office
3100 Weigel Lane
Powell, TN 37849
(865) 938-2042 – Voice
(865) 938-2444 – Fax



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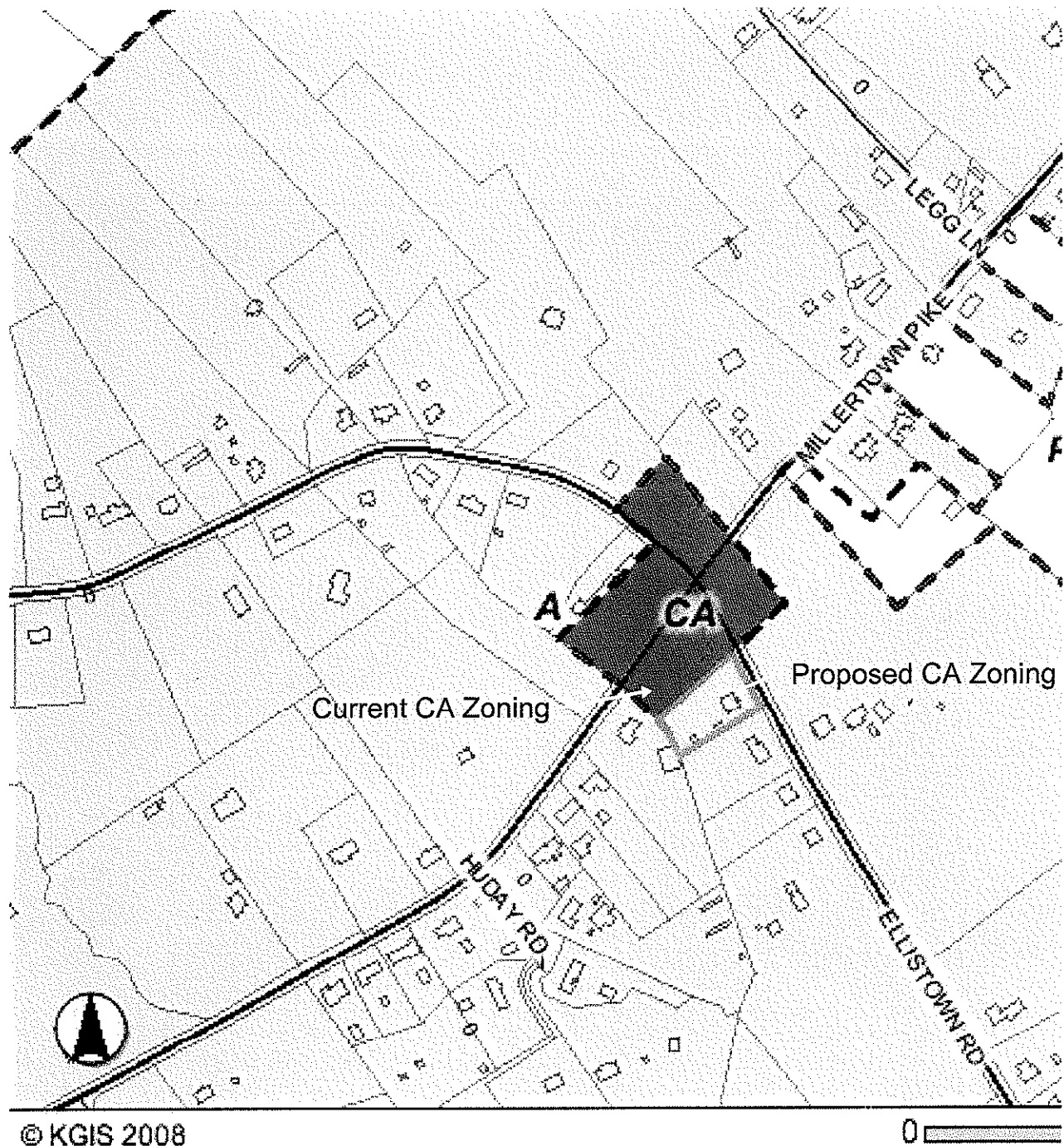
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William B. Weigel



© KGIS 2008

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-

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2. All four corners of the intersection of Millertown Pike and Ellistown Rd. are zoned CA. One is developed with a church and another is developed with a grocery and deli business.
3. CA zoning for parcel 18 would allow it to be combined with parcel 17, already zoned CA, to create a larger, more suitable development site under one zoning designation.
4. The subject parcels are located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan. The sector plan proposes low density residential uses for all of the surrounding area and most of the length of Millertown Pike, which could be proposed for residential development of up to 5 du/ac. This residential development would warrant the establishment of appropriately located commercial uses in the area to provide goods and services to area residents. This site is less than a mile north on Ellistown Rd. from Rutledge Pike, a 4 lane major arterial facility. It is likely that this intersection is heavily used by drivers traveling between Millertown Pike and Rutledge Pike.

THE EFFECTS OF THE PROPOSAL

1. Public water is available at the site. Sewer utilities are available in the area, but may need to be extended to serve the site.
2. The proposal will have no impact on schools. Millertown Pike is a minor arterial street and Ellistown Rd. is a major collector street. Both streets should have the capacity to handle additional trips that would be generated by commercial development of this site.
3. The proposal is compatible with surrounding development and zoning and will have a minimal impact on adjacent properties.

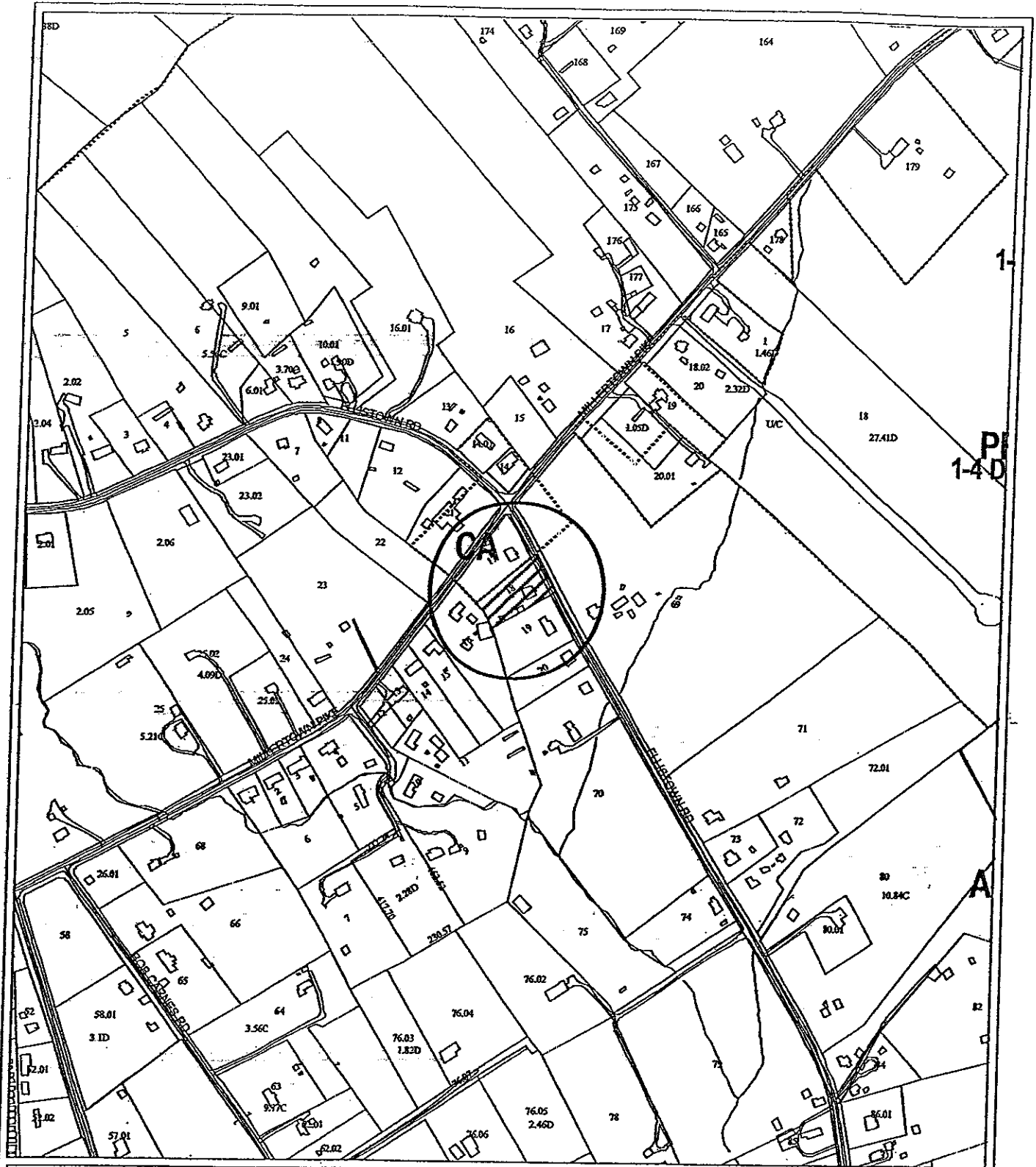
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended sector plan amendment to commercial on both parcels, both the existing and proposed CA zoning would be consistent with the Northeast County Sector Plan proposal.
2. This site is located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may lead to future sector plan and rezoning requests for commercial in the immediate area. However, the sector plan does not propose additional commercial uses in this area. Individual requests will need to be reviewed on a case by case basis.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 7/28/2008. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**6-A-08-RZ
REZONING**



From: A (Agricultural)

To: CA (General Business)

Original Print Date: 05/22/08

Revised:

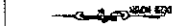
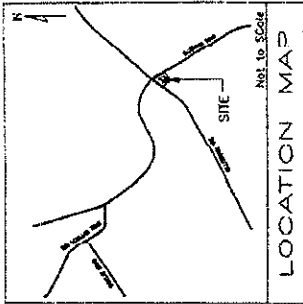
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: LKM Properties, LP

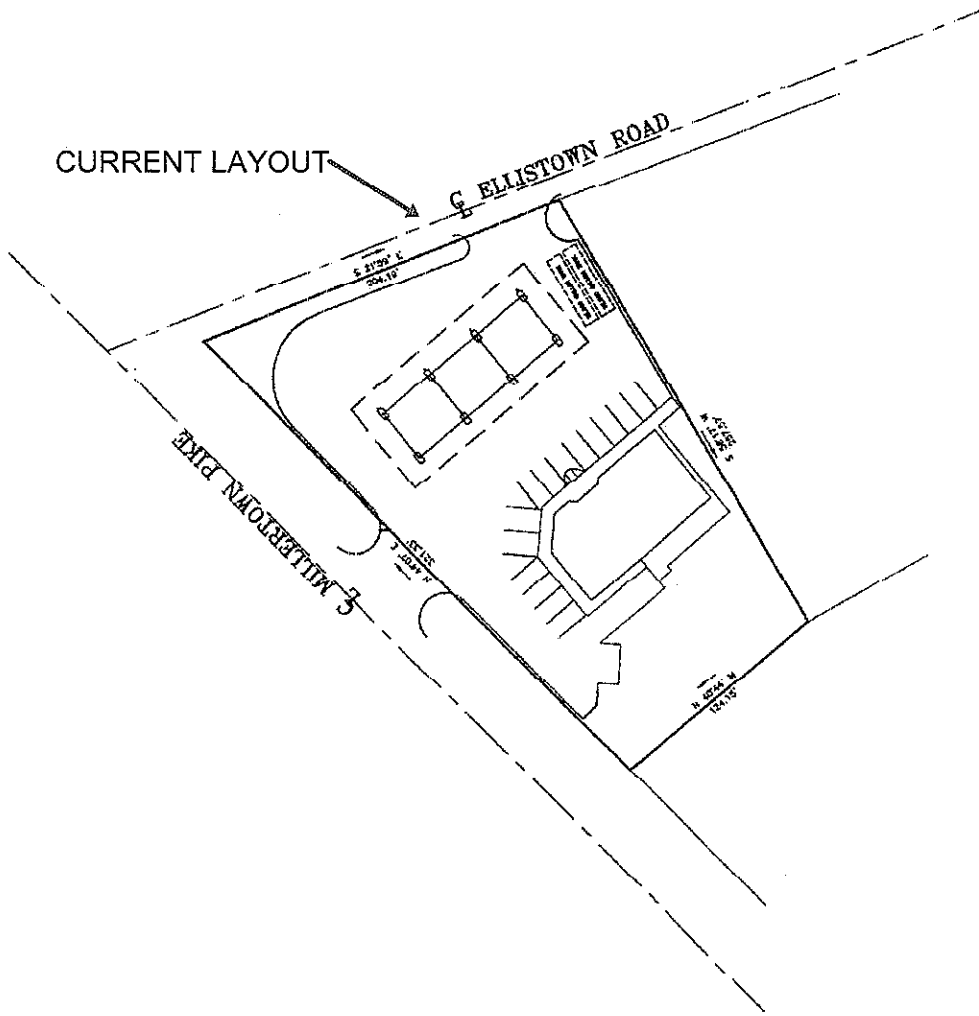
Map No: 51

Jurisdiction: County



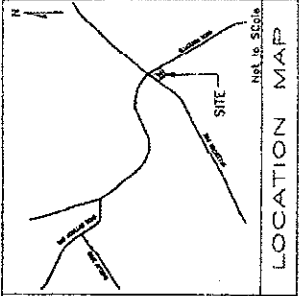


CURRENT LAYOUT



COMPOSITE PLAN
FOR
WEIGEL'S
ELLISTOWN ROAD AND
MILLERTOWN PIKE
C-1-T MAP 57, PARCELS 17 & 18
DISTRICT 6, KNOX COUNTY, TN.
SCALE: 1" = 40' APRIL 22, 2008
40 20 0 40 80

BATSON, JAMES, NORVELL & POE
REGISTERED PROFESSIONAL ENGINEERS
1334 PAPERBELL DRIVE
KNOXVILLE, TN 37902-4370
TEL: (615) 582-8777
FAX: (615) 582-8771
enr@batson-p.com



LOCATION MAP

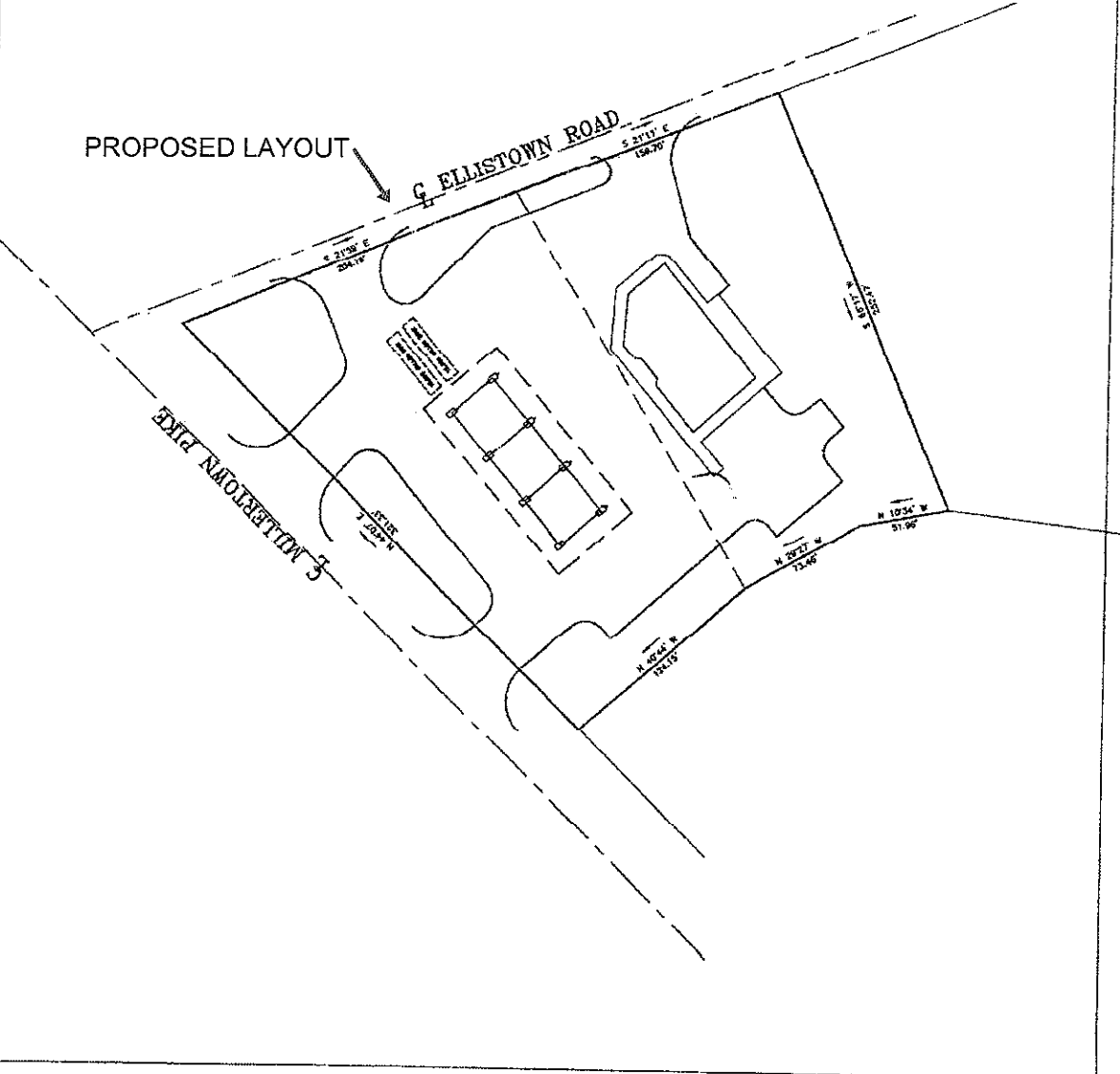
AREA

www.fox.com

COMPOSITE PLAN
 FOR
 WEIGEL'S
 ELLISTOWN ROAD AND
 MILLERTOWN PIKE
 C-1-T MAP 37, PARCELS 17 & 18
 DISTRICT 6, KNOX COUNTY, TN.
 SCALE: 1" = 40' APRIL 22, 2008
 40 20 0 40 80
 RUTSON JONES, NORRILL & BOE
 REGISTERED ENGINEERS & LAND SURVEYORS
 434 PEARSON DRIVE
 KNOXVILLE, TENNESSEE 37912
 PHONE: (615) 588-1472
 FAX: (615) 588-8773
 www.rjb-engineers.com

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REFERENCE DEETS: INSTR. #2040 (04/20) 1904
 RECD. BOOK 2052, PAGE 11



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