



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

FILE #: 12-B-09-RZ
12-B-09-SP

AGENDA ITEM #: 37
AGENDA DATE: 12/10/2009

APPLICANT: HUBER PROPERTIES, LLC
OWNER(S): TIPTON WILLIAM O & BRENDA S TIPTON

TAX ID NUMBER: 162 M B PART OF 001 EXCLUDE EASTERN ACCESS TO CHOTO RD.
JURISDICTION: Commission District 5

LOCATION: Southeast side S. Northshore Dr., northeast side Choto Rd.

TRACT INFORMATION: 12 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via S. Northshore Dr., a minor arterial street with 21' of pavement width within 85' of right of way, or Choto Rd., a minor collector street with 21' of pavement width within 50' of right of way.

UTILITIES: Water Source: First Knox Utility District
Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

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

PROPOSED PLAN DESIGNATION/ZONING: NC (Neighborhood Commercial) / CN (Neighborhood Commercial)

EXISTING LAND USE: Agricultural use and dwelling

PROPOSED USE: Neighborhood commercial

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted for this site

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residences and vacant land / LDR / A (Agricultural)
South: Choto Rd. - Residences and vacant land / LDR / A (Agricultural) and PR (Planned Residential) @ 1-3 du/ac
East: Residences and vacant land / LDR / A (Agricultural) and PR (Planned Residential) at up to 3 du/ac
West: S. Northshore Rd. - Residential subdivision / LDR / PR (Planned Residential) @ 2.4 du/ac

NEIGHBORHOOD CONTEXT: This area is developed with agricultural, rural residential and low density residential uses under A and PR zoning.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #12-B-09-SP, amending the Southwest County Sector Plan to NC (Neighborhood Commercial) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

This site meets criteria for approval of neighborhood commercial uses, as recommended. The neighborhood commercial designation is appropriate for this commercial crossroads location which is in close proximity to residential uses.

- ▶ **RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning, subject to the following 3 conditions.**

1. Uses within the area of the site depicted on the attached map (Exhibit B), shall be limited to the permitted uses and uses on review marked with an asterisk on the attached copy of the CN zoning district from the Knox County Zoning Ordinance (Exhibit C).
2. All outdoor site lighting must be full cutoff luminaire, meaning the luminaire/light fixture shall allow no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part. Also, lights located under gasoline service station canopies, canopies for bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent to or better than this requirement.
3. All development shall be subject to a unified architectural plan that meets the intent of the General Plan's village-like appearance, consistent with development policy 9.9 of the Knoxville-Knox County General Plan 2032.

With the above conditions, CN zoning is appropriate at this location to serve residents who live in the vicinity of the site, as well as commuters travelling on either of the two streets at this intersection. CN zoning will allow low impact commercial uses and includes considerable landscaping and other development regulations to minimize the impact on nearby residential areas, as well as improve the aesthetic appeal of the development. The condition limiting the use of the northeast and southeast portions of the site to selected less intense CN uses will provide a transitional area between commercial and residential areas, as well as establish a stopping point for commercial uses to keep them from extending further down Northshore Dr. or Choto Rd.

COMMENTS:

The applicant is requesting a sector plan amendment to Neighborhood Commercial and a rezoning to CN (Neighborhood Commercial) for this entire site of approximately 12 acres in size. The same applicant has also submitted applications to MPC with the same requests for parcel 64, which is approximately 3.4 acres and is adjacent to the subject property. The file numbers for these applications are 1-E-10-RZ and 1-C-10-SP and will be considered by MPC on January 14, 2010. Staff anticipates that the recommendation for that site in January will be consistent with this one, limiting that site to certain lower impact CN uses east of the blue-line stream that cuts through both parcels. In considering these requests, parcel 64 should also be considered, as the developer's future intent is to consolidate the two properties in a unified development, at least on the portion west of the stream. Taking into account both sets of applications, the total area to be considered by these proposals is about 15.4 acres. Some of this acreage would not be developed, because of setback requirements and development restrictions around the stream. The exact area that would be undisturbed is unknown at this time, but could be up to 3 acres. The exact stream protection requirements would be determined by the Knox County Department of Engineering, consistent with the regulations of the Knox County Stormwater Ordinance. Development around the stream may also be subject to approval by the Tennessee Department of Environment and Conservation (TDEC). The applicant has stated that there is no intent to disturb the area around the stream or cross it with a driveway for vehicular traffic. However, a pedestrian crossing may be desirable and should not be ruled out. He has had discussions with the Knox County Greenways Coordinator about creating an easement and dedicating that land for public use as a possible greenway connection. The applicant will attempt to make arrangements that the entire 15.4 acres be considered at the same time by Knox County Commission at their January 25, 2010 meeting, barring any postponements at MPC's December or January meetings.

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

There have not been any recent road improvements around the intersection of S. Northshore Dr. and Choto Rd. However, Knox County Engineering reports that there is a history of crashes at the intersection and that there has been some study into installing either a traffic signal or a roundabout to help with traffic control. There is a crest on S. Northshore Dr. in front of the subject property that limits the sight distance for vehicles turning from Choto Rd. onto S. Northshore Dr. Knox County Engineering reports that preliminary study indicates that the road grade must be lowered about six feet to eliminate the sight distance issue, which would involve about 350 linear feet of S. Northshore Dr. in the improvements. The expectation is that if the applicant is granted this rezoning and the right to develop the property, that he should enter a public-private partnership to help fund the improvements, or finance the improvements himself. The applicant has had discussions with Knox County Engineering staff about this issue. Engineering staff has also stated that a traffic impact study will be required prior to development of the property. Depending on the results of this study, there may be additional improvements needed, such as the addition of turning lanes or some form of added traffic controls at the intersection. The expectation is that if this site is approved for neighborhood commercial development, that the developer would participate in making needed road improvements in some form of private-public partnership, the most likely occurrence.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan calls for low density residential use for the site. However, this site is located at the intersection of a collector and arterial street, which makes it a viable location for a small commercial node. During the last update of the Southwest County Sector Plan, which was adopted in August, 2005, comprehensive planning staff had identified this intersection as an appropriate location for neighborhood commercial uses, but that proposal was taken out of the plan after staff heard concerns from area residents at public meetings. The staff's opinion has not changed that neighborhood commercial would be the best use of this site.

CHANGES IN GOVERNMENT POLICY:

This location at an intersection is appropriate for neighborhood commercial uses. The requested CN zone is intended to allow lower impact neighborhood serving commercial uses. Being located at the intersection, two points of access may be gained to the site from the arterial or collector street. This site is a typical situation for establishment of a commercial crossroads.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

There has been pressure to develop commercial uses at this intersection in the past. The number of residential permits issued in the area since 2000 seems to indicate a perceived demand for commercial services to serve area residents as well as commuters driving through the area. This location, because it is at the intersection of a collector and an arterial street, is appropriate for the establishment of a small commercial node. Permitting commercial development at this location could lead to much needed improvements to this dangerous intersection, where there is a history of crashes.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. CN zoning is appropriate at this commercial crossroads location at the intersection of collector and arterial streets.
2. The surrounding area has been developing rapidly with residential uses. MPC staff research shows that within 2 miles of this site, 1,321 building permits have been issued for detached houses since the year 2000, as well as 10 condominium units and 5 mobile homes. The closest commercial use to the subject site is about 1.2 miles to the north along Harvey Rd., which is a convenience store with fuel pumps, developed in PR zoning. The next closest commercial uses/zoning are about 2.9 miles to the northeast, on Concord Rd., north of Northshore Dr. Commercial uses/zoning on Kingston Pike to the north are about 3.5 miles to the north of the site. These numbers indicate that establishment of commercial uses at this location would substantially reduce vehicle miles travelled, because area residents would not have to drive as far to obtain certain commercial goods and services that could be offered at this location.
3. The development criteria of the CN zone allows for commercial development that is compatible with nearby residential uses. On parcel 19 to the southwest, which is about one acre in size, CA zoning and a commercial plan designation were applied for twice within the last 8 years (12-D-01-RZ/12-A-01-SP and 9-C-04-RZ/9-B-04-SP). In 2001, the CN zone was not available. Staff recommended denial of both requests and the applicant withdrew the requests before they were ever heard by MPC. In 2004, staff recommended approval of a C sector plan designation, limited to CN zoning and approval of the rezoning to CN, rather than the requested CA zoning. These requests were denied by MPC on 9/9/04, due to neighborhood opposition, and there were no appeals filed. Staff maintains its position that CN zoning is appropriate at this intersection. The subject

property is larger in size than the one acre site that was previously considered, which will allow more space for increased setbacks and a better landscaping and traffic circulation plan, leading to an overall higher quality development.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CN zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
2. The subject property clearly fits the criteria spelled out in the above general description of the CN zone from the Knox County Zoning Ordinance.
3. The development criteria contained within the CN zone are essential to minimize the impacts to adjacent residential uses and leading to compatible development. Staff would not support any BZA variances to these development standards for this site, as they would undermine the compatibility with surrounding properties and dilute the effectiveness of the CN zone.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The proposal will have no impact on schools and the traffic impact will depend on the type of commercial uses that are established.
3. CN zoning is compatible with surrounding development and should have a minimal impact on adjacent properties. Also, the CN zone requires substantial landscaping throughout the perimeter of the site and parking areas, requires sidewalks to connect with adjacent neighborhoods, permits only indirectly illuminated, monument signs and contains criteria to prevent site lighting spillover to adjacent properties, which are further specified in the above recommended condition 2.
4. Many uses allowed within the CN zone, such as restaurants, fueling stations (with or without convenience stores), child day care centers and any use which includes drive-through or drive-in facilities, requires use on review approval by MPC prior to construction. This will provide the opportunity for MPC and County Engineering staff to review the plan and address issues such as traffic circulation, layout, access, landscaping, drainage and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the amendment from LDR to NC, the requested CN zoning would be consistent with the Southwest County Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests could lead to future requests for neighborhood commercial or similar zoning in the surrounding area. Each request would have to be considered on a case by case basis, based on its own merits. Staff would likely not recommend further expansion of neighborhood commercial uses at this time, beyond the approximately 15 acres being considered between these and the upcoming January applications referenced above.
4. The proposal is supported by several development policies of the Knoxville-Knox County General Plan 2032. Several of these policies are listed below, exactly as written in the plan under "Development Policies."
 - 8.2 Locate neighborhood commercial so that it will enhance, rather than hinder, the stability of residential areas.
 - 8.3 Focus on design quality and neighborhood compatibility in reviewing development proposals.
 - 9.9 Encourage village centers as the preferred form of retail development, and use the neighborhood commercial zones to provide day-to-day services near residential areas.
 - 9.11 Locate community-serving commercial areas where they can easily be shared by several neighborhoods.
 - 9.12 Locate day care centers and other neighborhood services at the edges of neighborhoods or in village centers. Locate freestanding day care facilities (those serving six or more children) on the perimeter of residential areas, on arterial or collector streets, in a manner which will not adversely affect surrounding

properties.

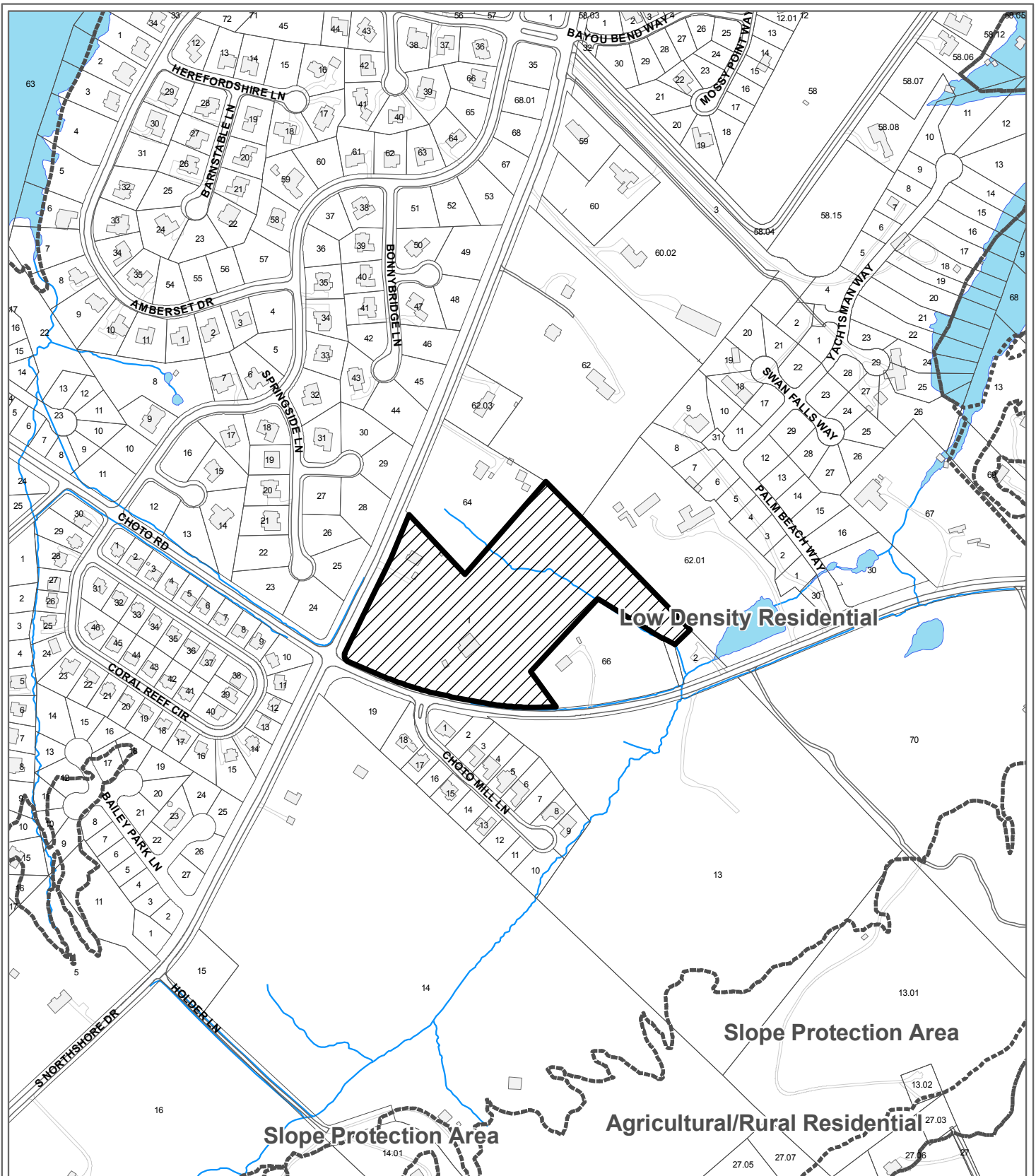
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/25/2010. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. 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.



**12-B-09-SP / 12-B-09-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

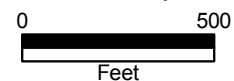
To: NC (Neighborhood Commercial)



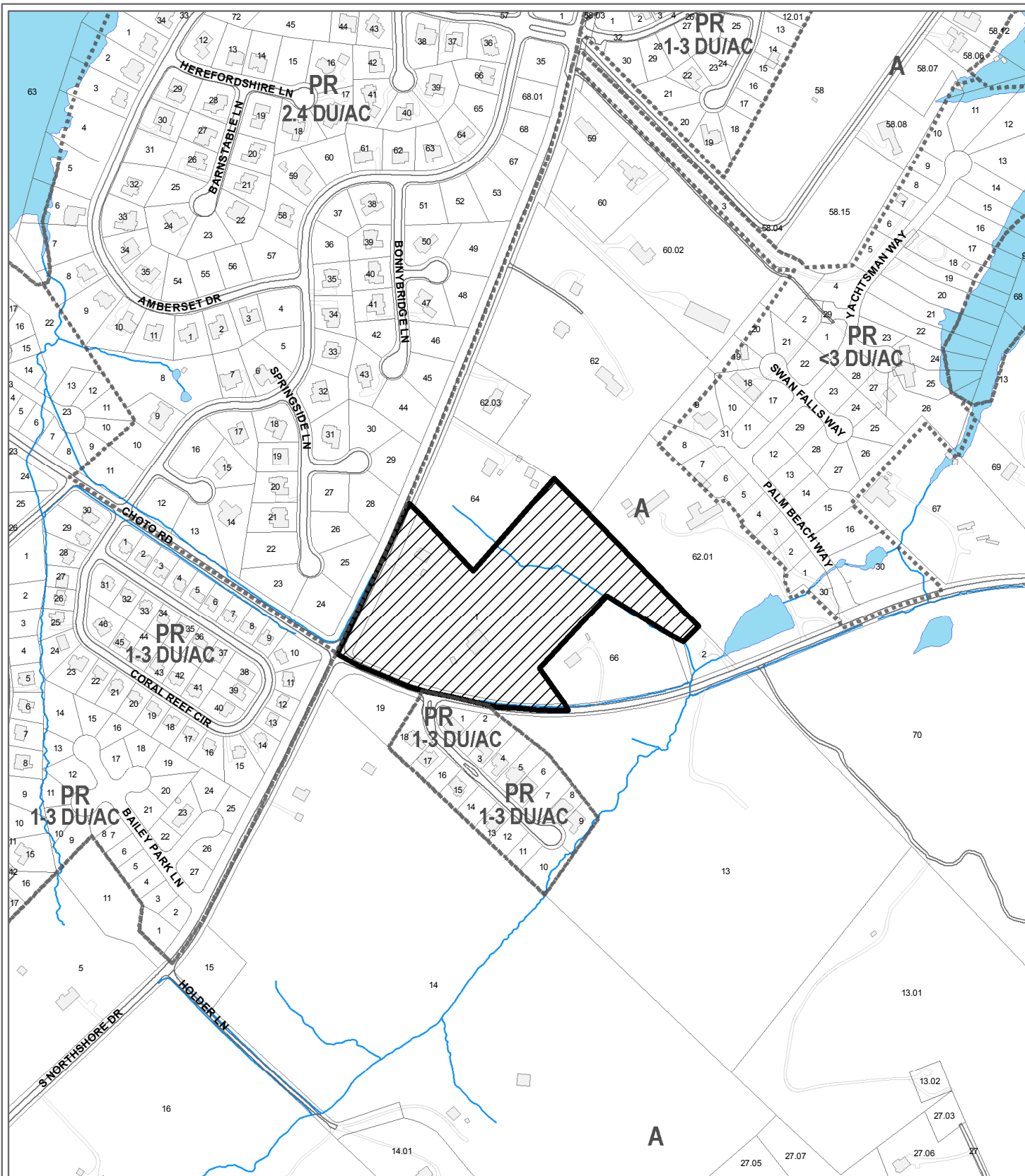
Petitioner: Huber Properties, LLC

Map No: 162

Jurisdiction: County



Original Print Date: 11/19/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**12-B-09-RZ
REZONING**

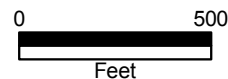
From: A (Agricultural)
To: CN (Neighborhood Commercial)



Original Print Date: 11/19/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Huber Properties, LLC

Map No: 162
Jurisdiction: County



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE SOUTHWEST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Southwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Huber Properties, LLC, has submitted an application to amend the Sector Plan from Low Density Residential to Neighborhood Commercial for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of an amendment to the Southwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on December 10, 2009, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Southwest County Sector Plan, with its accompanying staff report and map, file #12-B-09-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that the Commission of Knox County likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

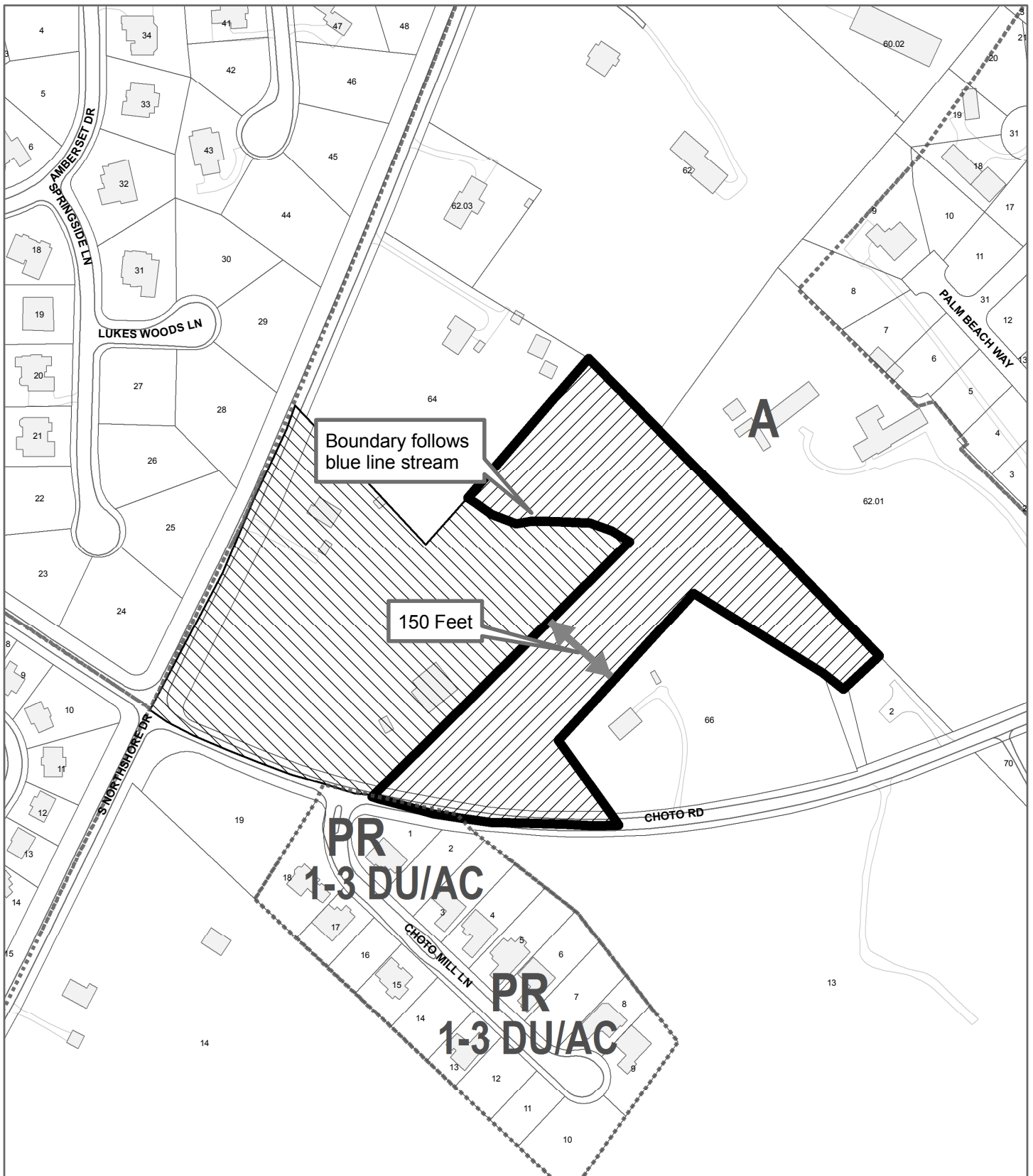
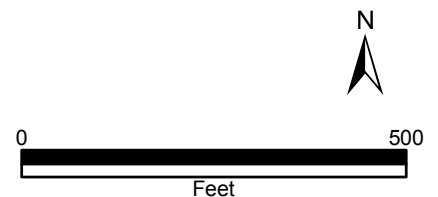


Exhibit B: Area Recommended for Limited CN Uses (12-B-09-RZ)

Petitioner: Huber Properties, LLC



From: A (Agricultural)
To: CN (Neighborhood Commercial)



Original Print Date: 12/3/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Article 5

5.38 NEIGHBORHOOD COMMERCIAL ZONE (CN)

5.38.01 General Description

This commercial zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

5.38.02 Uses Permitted

Only the following uses shall be permitted by right in the CN zoning district. Where North American Industry Classification System (NAICS) codes are indicated after permitted uses, the businesses listed under that classification in the United States Office of Management and Budget *North American Industry Classification Manual, 1997 edition*, shall be permitted providing all other requirements of this ordinance are fulfilled. All uses permitted are subject to administrative site plan approval (Article 6, Section 6.70):

- A. Retail sales limited to:
 - Grocery stores (NAICS 4451)
 - Household supplies
 - Clothing/shoes/jewelry (NAICS 448)
 - Garden and lawn supplies (NAICS 4442)
 - Drugs and medicine (NAICS 446110)
 - Small appliance sales (NAICS 44311) and repair (NAICS 811412)

Baked goods (NAICS 445291)
Delicatessen goods
Newsstands/bookstores (NAICS 45121)
Florists (NAICS 453110)
Gift shops (NAICS 453220)
Arts/crafts (NAICS 453920)
Antiques
Hardware (NAICS 44413)
Fabric/upholstery shops
Video sales and rentals (NAICS 532230)

B. Business and personal services limited to:

- * Barber and beauty shops (NAICS 8121)
- * Tailor/shoe repair (NAICS 811430)
- * Laundry and dry cleaning drop-off / pick-up stations only
- * Banks and similar institutions (NAICS 522)
- ~~Laundromats limited to self-service facilities (NAICS 812310)~~
- * Copying services (NAICS 56143)
- ~~Equipment rental (excluding vehicles intended for highway use) (NAICS 532)~~

- * C. Business and professional offices, which provide direct services to customers limited to:
 - Travel agencies (NAICS 561510)
 - Outpatient medical (NAICS 621)
 - Dental (NAICS 6212)
 - Real estate (NAICS 531)
 - Finance and accounting (NAICS 523, 5412)
 - Architect/engineering (NAICS 5413)
 - Insurance (NAICS 524)
 - Legal services (NAICS 5411)
 - Local, state and federal government offices and programs

- * D. Veterinary clinics and animal hospitals, with no boarding of animals (NAICS 541940).

- * E. Accessory uses to the principal use such as: parking facilities (subject to Article 3.50), indoor storage areas, signs (subject to Article 3.90).
- F. Commercial telecommunications towers, if the proposed tower is located 500 feet or more from a residence or residential zone, provided they meet the requirements of Article 4.92.
- * G. Residential uses may be located on the second floor and above of a business. Dwellings may also be located on the same site only if an accessory use to the primary use for a business.
- * H. Uses similar to the uses listed as "uses permitted" may be considered for appropriateness by the Planning Commission under the Use Determination public hearing process. If the requested use is approved, it may be located in this zoning district.

5.38.03 Uses Permitted on Review

- * A. Child day care centers, provided they meet the requirements of Article 4.93.
- * B. Adult day care facilities, provided they meet the requirements of Article 4.98.
- C. Restaurants (NAICS 722)
- D. Fueling service stations with or without convenience stores (NAICS 447110).
- E. Any permitted use listed above, which includes drive-through or drive-in facilities.
- F. Outdoor storage of materials, products, or equipment.
- G. Commercial telecommunications towers, if the proposed tower is located within 500 feet of a

residence or residential zone, provided they meet the requirements of Article 4.92.

5.38.04 Building Size and Type Regulations

- A. No building shall exceed 35 feet in height.
- B. No individual building or commercial establishment shall have a floor area exceeding 5,000 square feet.

5.38.05 Lot area

The building lot must be a minimum of 10,000 square feet in size.

5.38.06 Front yard setbacks and landscaping requirements

All buildings shall be setback from the street right of way lines not less than thirty-five feet. Parking must be setback a minimum of ten feet. The parking setback area must contain a minimum of one native shade tree, capable of reaching 50 feet in height at maturity, per every 60 feet or portion thereof of linear street frontage. The native shade trees must be spaced a minimum of 50 feet apart at the time of planting. One ornamental tree is required per every 25 feet or portion thereof of linear street frontage, to be placed between and among the shade trees, with a minimum of 15 feet spacing from the shade trees.

5.38.07 Side yard setbacks and landscaping requirements

- A. Where the side yard is adjacent to a residential district, the building setback shall be not less than twenty feet. The required side yard must be landscaped with a minimum of one evergreen tree per every 30 feet or portion thereof of side yard property depth (portion outside of required front and rear yards). The evergreen trees must be spaced a minimum of 30 feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the

remainder of the side yard, except for the space within 10 feet from the base of the evergreen trees.

- B. Where the side yard is not adjacent to a residential or agricultural district, the building setback shall be not less than ten feet. The side yard must be landscaped with a minimum of one native shade tree per every 60 feet or portion thereof of side yard property depth (portion outside of required front and rear yards). The native shade trees must be spaced a minimum of 50 feet apart at the time of planting. One ornamental tree is required per every 25 feet or portion thereof of side yard property depth (portion outside of required front and rear yards), to be placed between and among the shade trees, with a minimum of 15 feet spacing from the shade trees.

5.38.08 Rear yard setbacks and landscaping requirements

- A. Where the rear yard is adjacent to a residential or agricultural district, the building setback shall be not less than twenty-five feet. The required rear yard must be landscaped with a minimum of one evergreen tree per every 25 linear feet or portion thereof of rear yard property length. The evergreen trees must be spaced a minimum of 30 feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the rear yard, except for within 10 feet from the base of the evergreen trees.
- B. Where the rear yard is not adjacent to a residential or agricultural district, the building setback shall be not less than ten feet. The rear yard must be landscaped with a minimum of one native shade tree per every 60 feet or portion thereof of rear yard property length. The native shade trees must be spaced a minimum of 50 feet apart at the time of planting. One ornamental tree is required per every 25 feet or portion thereof of side yard property depth (portion outside of required

front and rear yards), to be placed between and among the shade trees, with a minimum of 15 feet spacing from the shade trees.

5.38.09 Additional Landscaping and Site Development Standards

A. Parking areas:

1. All parking lots of 20 or more spaces shall contain within the interior of the parking lot not less than one native shade tree, capable of reaching 50 feet in height at maturity for every ten spaces or fraction thereof. In no case shall more than 10 parking spaces be located in a row without a planting island (minimum of 9 feet in width) containing at least one native shade tree surrounded by shrubs and groundcovers.
2. Where parking abuts the building, there must be a sidewalk of at least five feet in width between the parking spaces and the building.
3. At the end of any parking row, there must be a terminal planting island (minimum of five feet in width) containing at least one native shade tree surrounded by shrubs and groundcovers.
4. At least 50 percent of the length of the exterior walls of the building must have a landscaping strip of at least four feet in width.

B. Any pre-existing, healthy, applicable landscaping on a proposed site may be counted toward any of the landscaping requirements of this zoning district.

5.38.10 Off-street Parking

As regulated in Article 3, Section 3.50 of this resolution.

- 5.38.11 Signs

As permitted by Article 3.90 of this resolution.
- 5.38.12 Health Department Approval

The development shall not be approved until the Knox County Department of Code Administration has been notified in writing by the Knox County Health Department that the disposal system for sewage abides by all applicable standards.
- 5.38.13 Utilities

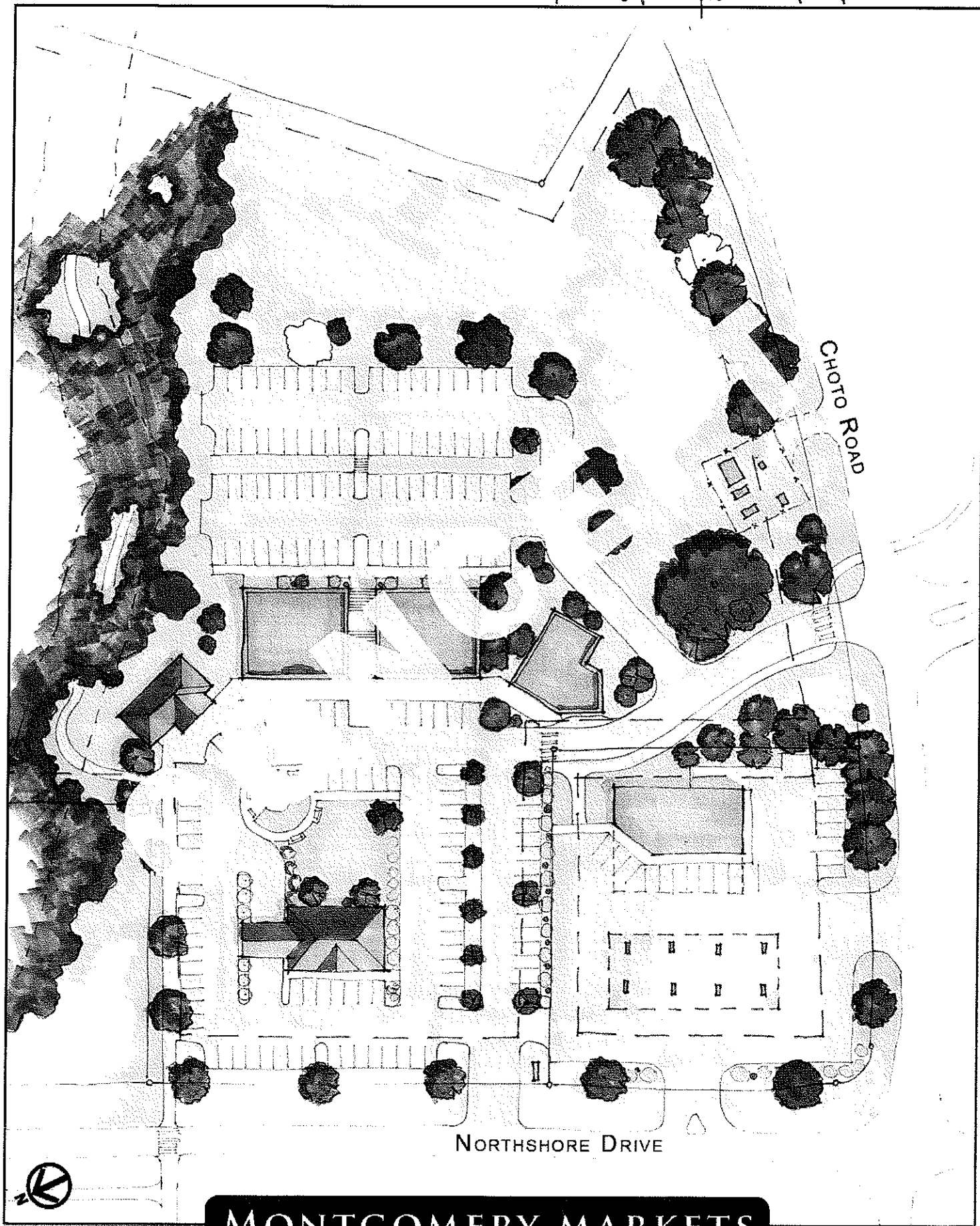
All utility transmission lines serving individual uses shall be placed underground.
- 5.38.14 Site Lighting

Lighting of all types shall be directed away from all residential or agricultural districts and any public rights-of-way.
- 5.38.15 Administration

For uses listed as permitted uses within the CN (Neighborhood Commercial) zoning district, no building or structure shall be erected or altered until and unless a plan for such development has been filed with and approved by the Knox County Department of Code Administration. The plan shall be filed in accordance with the requirements of Article 6, Section 6.70 (Administrative Site Plan Review), of this zoning ordinance.
- 5.38.16 Sidewalks

Pedestrian sidewalks must be provided on each site to allow access to the adjacent neighborhood. If adjacent properties have a sidewalk, the sidewalk must connect with it. If adjacent properties are vacant, then the developer must post

a bond with the Knox County Department of Engineering and Public Works to guarantee installation of a sidewalk at the time of development of adjacent properties. Sidewalks must be paved with a minimum width of 4 feet.



MONTGOMERY MARKETS

From: Mike Brusseau
To: Betty Jo Mahan
Date: 12/2/2009 9:28:30 AM
Subject: Fwd: Proposed Development - Northshore and Choto

Re: Item 37, 12-B-09-RZ/12-B-09-SP

>>> Dale Walker <wwalkerdale@hotmail.com> 12/2/2009 9:29 AM >>>

To the Knox County Planning Commission:

My name is Dale Walker and I am a resident of Bayou Bend located on Northshore Drive, just east of the development proposed by John Huber. I am president of the Bayou Bend Homeowners Association, but I am not representing the HOA in this matter. My opinion here represents only me and my wife, Laura.

We have enjoyed living in Bayou Bend for six and a half years with one drawback. It's a fairly long drive to any businesses, so we try to combine trips as much as possible to save gas and money. The limited development John Huber has proposed would definitely improve the local area and improve our standard of living. Having a convenience store within walking distance, or just a short drive away, along with some other facilities such as a deli, dry cleaners, etc. would save gas and money. The zoning requirements, along with John Huber's reputation for first class work, will ensure the attractiveness of the development. The area would become more of a neighborhood rather than just a series of subdivisions built on farmland.

I believe the development would actually decrease traffic on Northshore Drive as it would eliminate the need to drive to Farragut to buy a gallon of milk or a loaf of bread. While there is a small convenience store on Choto near the NS tracks, they charge very high prices due to lack of competition nearby.

Thank you for taking to time to hear the opinion of a resident and voter.

Best regards,

Dale Walker

12252 Mossy Point Way

Knoxville, TN 37922

865-675-2799

From: Sarah Powell
To: Betty Jo Mahan
Date: 11/30/2009 10:21:09 AM
Subject: Fwd: Opposition to the rezoning at the corner of Northshore and Choto Rd.

>>> <agentblanton@aol.com> 11/29/2009 8:27:46 PM >>>

Dear Sir/Ma'am,

I am writing this letter in opposition to the rezoning of residential property at the corner of Northshore Rd and Choto Rd to Residential Commercial. Apparently a developer is in the preliminary stages of planning to place a Weigles gas station and other commercial developments at this location. I live in Choto Fields subdivision which is on the north side of the Northshore/Choto intersection. I chose this location to live because of it's rural setting, quiet neighborhoods, and beautiful local near the lake. The residents in this neighborhood can still sit on the porches in the evening, look at the stars, and listen to the crickets and whopperwhills. This will all be gone with Weigles day-like illumination around its store and its illuminated sign. Since I have lived here, the area near Choto Rd and Northshore has become wildly popular as an exclusive residential community with property values among the highest in Knox Co. Many million dollar homes sit within one mile of this proposed location. I understand the need for Knox Co to collect taxes. It is the core of what makes our County government function. This 12 acres of ground would be a better tax base for Knox Co as a residential community rather than a single convenient store and strip mall.

Now, a builder wishes to alter this area forever by placing another convenient store/gas station in the heart of a neighborhood. If you are familiar with this area, there is a new AM/PM store within 1 mile of this location. The vast majority of residents work in Knoxville and pass several Weigles on their way to and from home. With the addition of this Weigles, it will be the third on Northshore from Ebenezer Rd to Choto Rd. There is a Weigles at the intersection of Pellissippi Parkway and Westland, and if you access Kingston Pike from McFee Rd there is a Weigles either direction you travel. I believe the potential for this store to be successful would be unlikely at best due to competition from the other stores. We just don't need a Weigles here nor do we want one. What we do want is our peace and quiet.

Furthermore, Northshore is a small, curvy, two lane road that is packed with commuters, bicyclist, and boaters. The addition of commercial traffic for this store will be a nuisance and a hazard to the residence of this area. The intersection at Northshore and Choto is already this highest accident location in this area due to the blind hill and four way intersection.

In closing I charge you with keep this area residential and preserving our quality of life and our property values and deny the application for rezoning. Please come to our neighborhoods and envision for yourself what this will do to our community.

Thank you for your time and feel free to contact me if you have further questions.

James and Jaime Blanton
12609 Coral Reef Circle
Knoxville, TN 37922
865-335-8882

From: Sarah Powell
To: Betty Jo Mahan
Date: 12/3/2009 10:20:01 AM
Subject: Fwd: Proposed Rezoning to Neighborhood Commerical at the corner of Northshore and Choto

>>> John Lash <jrl031963@yahoo.com> 12/3/2009 9:06:29 AM >>>

It is my understanding the Commission will consider the re-zoning application for the above on December 10, 2009. I firmly believe the application is not in the best interest of the surrounding neighborhoods for a variety of reasons. However this email is being sent to address specifically the requirements in the zoning regulations in section 5.38.03 D. Can you either provide via email or tell me the procedure to procure documents supporting your review for fueling service station. I would assume that this would include documentation on potential environmental impacts, hazardous materials storage and odor issues being potentially being emitted for the proposed establishment. Thank you in advance for your help on this issue.

John Lash
12531 Choto Mill Lane
Knoxville, TN 37922
(865) 719-0448

From: Mike Brusseau
To: Betty Jo Mahan
Date: 12/2/2009 4:27:54 PM
Subject: Fwd: Northshore Dr and Choto Development

Re: Item 37: 12-B-09-RZ/12-B-09-SP

>>> "Neil Schmitt" <neil.schmitt.gbx9@statefarm.com> 12/2/2009 2:19 PM >>>
Dear member of the MPC,

I am aware that the Northshore Drive and Choto RD area is being considered for development by Huber Development. I live in that area and have had discussions with several people about the future of this area, and would like to share my feelings with you

Living in the area, my first preference for that or any property near there, would be a quiet park like setting. But unfortunately if history is any indicator, it is inevitable that Northshore will become more and more developed. If this is indeed the case, I would then like to say that I hope that the MPC will give preference to developers that are local and more sensitive to the "scenic highway" that Northshore has been designated. I believe John Huber to be one that would understand the concerns of the citizens and give every attempt to protect the area and the values of other's property. I have asked Mr. Huber that should he be successful in being able to develop this property to consider the more progressive developments that you now see in Florida and the Hilton Head area where buildings are further removed from the road and landscaping is used to keep a more natural setting. I think everyone can agree that this development, whether a grocery store, a convenience store, or other similar ideas will be considered destination stops, not needing such high visibility.

With our without this immediate development, our neighborhood and this immediate area has a real road problem that I hope can be resolved. I am afraid as Jefferson Park completes it's subdivision and the YMCA opens, we will see increased traffic at rates of speed much too high for this area. People go too fast, cross the yellow line frequently and are not aware of the dangers exiting the Montgomery Cover subdivision due to terrible visibility. Possibly this development will facilitate or require improvements prior to completion.

In summary I hope that your authority can work with Mr. Huber to develop a plan that would be satisfactory to the community and yet satisfy the inevitable development for this area. Thank you for your work on behalf of the county citizens.

Respectfully,

Neil Schmitt