

▶ **FILE #:** 11-C-09-UR

**AGENDA ITEM #:** 50

**AGENDA DATE:** 11/12/2009

▶ **APPLICANT:** 441 PARTNERSHIP

OWNER(S): 441 PARTNERSHIP

TAX ID NUMBER: 38 F A 013

JURISDICTION: County Commission District 7

▶ **LOCATION:** South side of Norris Frwy., west of Maynardville Pike

▶ **APPX. SIZE OF TRACT:** 12 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Norris Freeway, a three-lane, minor arterial street in this area.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **ZONING:** SC (Shopping Center)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Shopping Center

HISTORY OF ZONING: The subject property was rezoned to SC in 2005 (12-M-05-RZ/12-G-05/SP). A development plan for a shopping center was approved by MPC on August 14, 2008 (8-D-08-UR). Subsequently the plan was denied on appeal.

SURROUNDING LAND USE AND ZONING: North: Shopping center / SC (Shopping Center)  
 South: Beaver Creek, vacant land (proposed park) & residences / SC (Shopping Center), F (Floodway) & RB (General Residential)  
 East: Beaver Creek / F (Floodway) & A (Agricultural)  
 West: Vacant land (proposed park) / SC (Shopping Center)

NEIGHBORHOOD CONTEXT: This site is located between commercial and residential property that has developed under RB, A and SC zoning.

**STAFF RECOMMENDATION:**

▶ **APPROVE the development plan for the proposed shopping center, with a total building area of 31,000 square feet in the SC (Shopping Center) zoning district, subject to the following 13 conditions:**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
4. Installing landscaping as shown on the landscape plan within six months of the issuance of occupancy permits for this project, or posting a bond in an amount acceptable to the Knox County Department of Engineering and Public Works to guarantee such installation.

5. Installing canopy trees within the proposed landscaped islands per the Tree Species Recommendation Matrix contained in the Tree Conservation and Planting Plan
6. Obtaining a driveway entrance permit from the Tennessee Department of Transportation (TDOT).
7. Adherence to conditions outlined in the Traffic Impact Study conducted by Wilbur Smith & Assoc. in July of 2008.
8. Conducting a geotechnical study on the on-site depression prior to issuance of a grading permit from the Knox County Dept. of Engineering & Public Works.
9. Meeting all other applicable requirements of TDEC and the U.S. Army Corp of Engineers regarding the wetland area along with the previously approved Flood Study.
10. Providing a greenway easement across the site as required to accommodate the future Halls Greenway.
11. Meeting all applicable requirements of the Knox County Fire Marshall.
12. Proposed signage will be required to meet all applicable requirements of the Knox County Zoning Ordinance (Art.3.90.09, H).
13. Submitting a revised development plan to MPC staff for review and approval, reflecting the conditions of approval of this plan prior to any grading permits for this site.

With the conditions noted, this plan meets the requirements for approval of a use-on-review in the SC zoning district.

#### **COMMENTS:**

These same applicants were before MPC on August 14, 2008, at which time they received conditional approval of a development plan through the use on review process for a shopping center that would contain 31,000 square feet of retail shop space. MPC's decision to approve the development plan for the shopping center was appealed to the Knox County Board of Zoning Appeals (BZA). The BZA was presented arguments that raised concerns regarding the access to the proposed park across the shopping center site, the grading and drainage plan and the necessity of an additional shopping center in the Halls area. After hearing the arguments, the BZA approved the appeal of MPC's decision which resulted in a denial of the shopping center. The shopping center developers appealed the BZA's decision to Chancery Court. The Court sustained the action of the BZA. The Memorandum Opinion handed down stated that "It is not for the Court to decide whether or not it would be in the best interest of the park, the community, or this particular development for it to be approved. It is only for this Court to search the record to see if there is any possible reason to justifying the action of the BZA."

On more than one occasion, the Court opinion referred to undisputed testimony. Matters such as this when taken to court are heard on the record that has been built to that point. The developers of the shopping center did not build a record that refuted the testimony at the BZA hearing. They have now submitted a new application for essentially the same development with the hopes of creating a more complete record and provide additional information that addresses the issues that have been raised regarding the development.

Staff is recommending approval of the proposed development. We believe the use of this site for a shopping center was put into motion back in 2005 when this site and what is now the proposed park site were zoned SC (Shopping Center) zone. Since that time the applicant has relied on the zoning of the property to invest money to generate site plans, drainage plans, traffic studies and architectural plans for the proposed shopping center.

Article 4, Section 2 of the Knox County Zoning Ordinance contains "Development Standards For Uses Permitted on Review". The six general standards contained in that section will be addressed below:

1. The use is consistent with the adopted plans and policies: The North County Sector Plan was amended in 2005 to show this site and the adjoining property for commercial use. The Plan states that commercial development along the existing Maynardville Highway and Norris Freeway commercial areas be permitted in order to avoid the extension of the strip commercial development pattern further out these two highways. Additionally, the plan states that the Halls Crossroads area be maintained as a community shopping center. Staff believes that the plan as presented complies with this standard.
2. The use is in harmony with the general purpose and intent of the zoning regulation: The general purpose of the zoning regulations is to guide and control growth and development in accordance with the adopted plans through the regulations. As previously stated the SC (Shopping Center) zoning of the site conforms with the long range plans, and the proposed development plan conforms with the requirements of the SC zone regulations.
- 3: The use is compatible with the character of the neighborhood where it is proposed, and with the size and

locations of buildings in the vicinity: Compatibility was a decision that was made at the time the property was rezoned. Commercial use of the site was determined to be an appropriate use for this site at that time. In this particular instance, the use on review process should be defining what the commercial development should look like, not if the site is going to be developed commercially. The development plan as presented is compatible with the surrounding area because the site adjoins other commercially developed property and other commercially zoned property. The existing floodway zoning buffers the commercial use of this site from the nearest residences.

4. The use will not significantly injure the value of adjacent property by noise, lights, fumes, odors, vibration, traffic congestion or other impacts...: The key word is "significantly". Development of this site will have an impact on all surrounding property. However, it is the opinion of the staff that development of this site as proposed will have minimal additional negative impact on the area because it is being constructed in an area that is characterized by commercial development and the associated noise and traffic that is typically associated with commercial uses.

5. The use is not of a nature or so located as to draw substantial additional traffic through residential streets: Norris Freeway is an arterial street that already carries thousands of vehicles per day. It is more likely that this development will "capture" existing traffic from this road as opposed to the number of new trips that it will generate. There are no residential streets that will be directly impacted by this project.

6. The nature of the development in the surrounding area is not such as to pose a potential hazard to the proposed use or create an undesirable environment for the proposed use. There are no uses in the area that would pose a hazard to the proposed use.

Article 6, Section 6.50.06 of the Knox County Zoning Ordinances addresses "Procedure for Authorizing Uses Permitted on Review", states that MPC may approve a development plan where it can be shown that the proposed plan or use is in harmony with the general purpose and intent of the Zoning Ordinance the General Plan and is reasonably necessary for the convenience and welfare of the community. The issue of conformity to long range land use plans and conformity with the Zoning Ordinance have already been discussed in this staff report.

The BZA in denying the development plan stated that they felt that the proposed shopping center was not reasonably necessary due the amount of other vacant commercial space in existing shopping centers in the area. Data was presented from the North County Sector plan to back up that opinion. The data that was being presented was approximately ten years old at that time. The 2008 Shopping Center Study, prepared by the MPC staff, states that the county wide vacancy rate in existing shopping centers is 9.2 percent. The study states that the vacancy rate in the Broadway/Maynardville Hwy. sub area is only one percentage point higher a 10 percent.

There is no doubt that some of the shopping centers in the Halls area have vacancy rates greater than 10 percent. Just like the businesses that occupy a shopping center, the operation of a shopping center is a business unto itself. As with other types of businesses, many factors determine whether or not a shopping center will be successful. Some of these factors include rent structure, level of maintenance, proper management, tenant mix, convenient parking, safety and last but not least location. All of these elements and others must come together to operate a successful shopping center. Therefore, not all vacant space in a shopping center can be directly tied to a lack of market need. Because there are so many factors that go into the success or failure of a business/shopping center the MPC staff, MPC, Knox County BZA and the Knox County Commission have historically allowed the market to determine the necessity of a proposed business. At present, Knox County has over sixteen million square feet of shopping center floor space. It is very difficult to state that an additional 31,000 square feet would saturate the market and therefore not be reasonably necessary.

Another issue that was raised at the BZA meeting was the access that was proposed at the time the original proposal was reviewed that would provide access to the shopping center as well as the proposed park. Norris Freeway is a limited access highway. Access points to the highway were determined when the highway was constructed. The proposed shopping center is to be located at one of those predetermined access points. Due to the limited access points the proposed park was going to share access to the highway with the shopping center. There were concerns raised regarding the grade of the park's driveway. This issue has been resolved. The Tenn. Dept. of Transportation has granted the park its own access. Additionally, the shopping center will be permitted to keep its proposed access at the location previously approved.

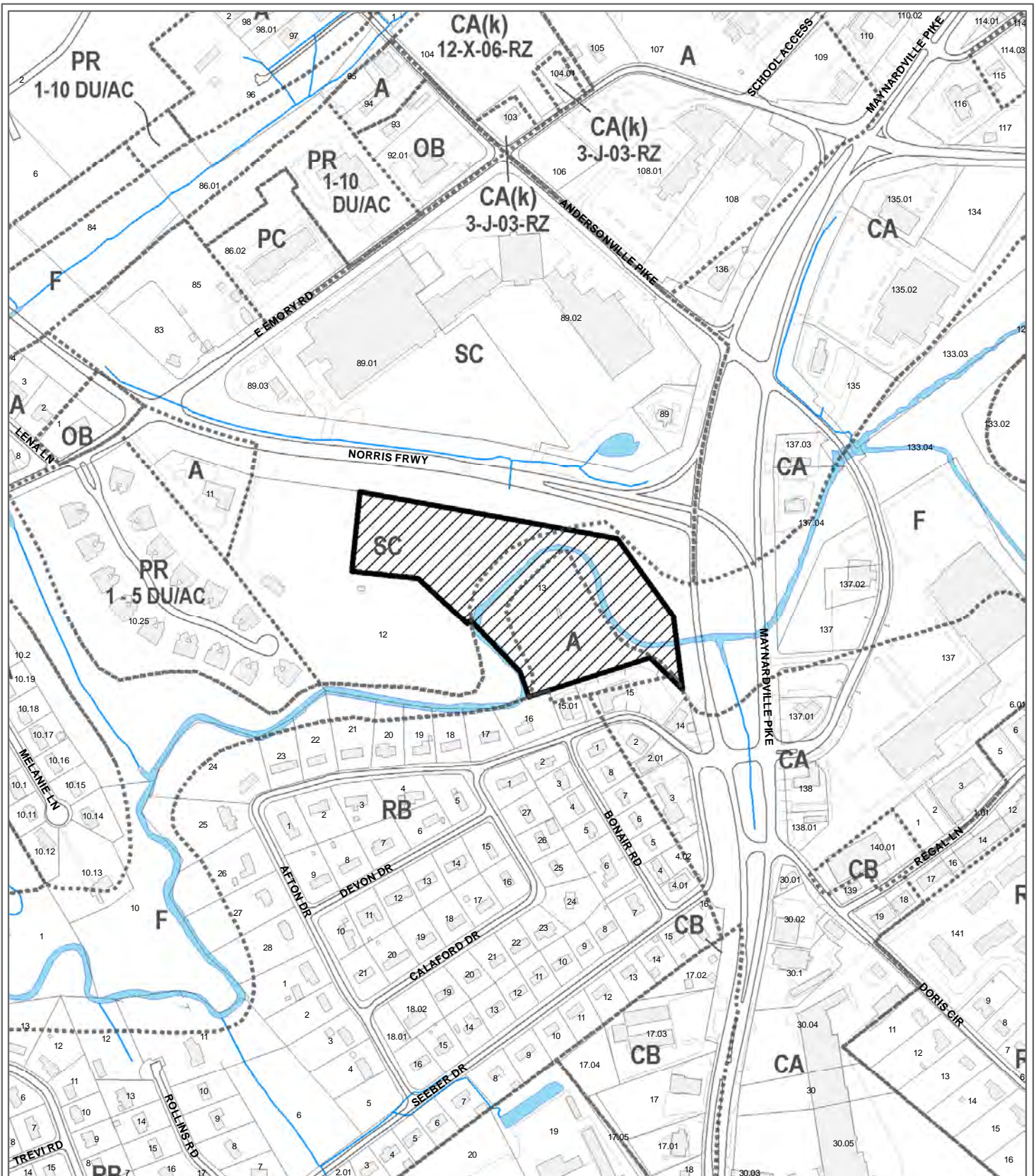
The grading and drainage plans for this development have been reviewed and approved by the Knox County Dept. of Engineering and Public Works. Concerns have been raised regarding the grading plan for the site. In order to bring site up to the desired level, filling of the site will be a necessity. As much as 14' of fill will have to be put on the site at certain locations. The applicant has provided information that shows that neither the fill slope nor the buildings will be visible from the park unless the observer is very close to the common property line. The existing tree cover, which is protected by the conservation easement on the park property, will provide a wooded buffer that will be a minimum of forty feet deep.

In conclusion, the staff is recommending approval of this plan because it meets all of the requirements of the Zoning Ordinance, long range land use plans and will not have a negative impact on the surrounding property or the community as a whole.

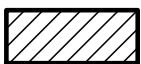
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**11-C-09-UR  
USE ON REVIEW**



Shopping Center in SC (Shopping Center)

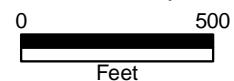
Original Print Date: 10/26/2009  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

Petitioner: 441 Partnership

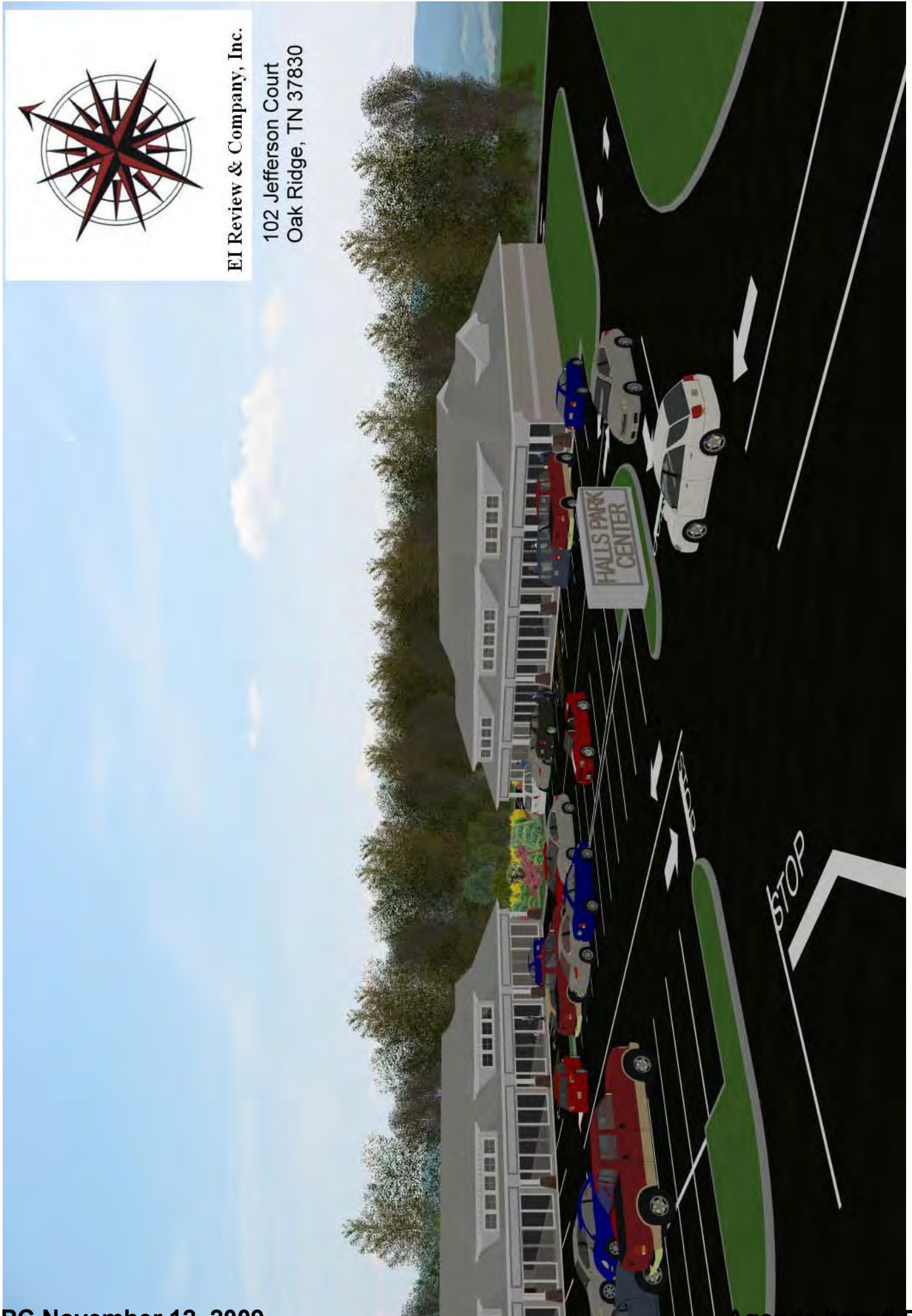
Map No: 38

Jurisdiction: County





EI Review & Company, Inc.  
102 Jefferson Court  
Oak Ridge, TN 37830





EI Review & Company, Inc.

102 Jefferson Court  
Oak Ridge, TN 37830



CONCEPT PLAN FOR  
 NORRIS FREEWAY CENTER  
 7315 NORRIS FREEWAY, KNOX COUNTY, TENNESSEE



PREPARED SEPT 28, 2009

THESE PLANS SUPERCEDE ALL PLANS  
 DATED PRIOR TO SEPT 28, 2009

CONTENTS		SCALE
TITLE		
COVER	OVERVIEW	100
AREA	OVERVIEW	40
COMMERCIAL	CONCEPT PLAN	40
COMMERCIAL	SITE PLAN	20
GRADING		50
EROSION	CONTROL	50
T0011	ACCESS OVERVIEW	40
T0012	CONST DETAILS	40
T0013	LANDSCAPE 1	30
T0014	LANDSCAPE 2	30

OWNER:  
 441 PARTNERSHIP  
 NATHAN W SILVUS, PE  
 065.414.0524  
 LEE T GAMBLE  
 065.050.4614  
 10065 WESTLAND DRIVE  
 KNOXVILLE, TN 37922

ENGINEER:



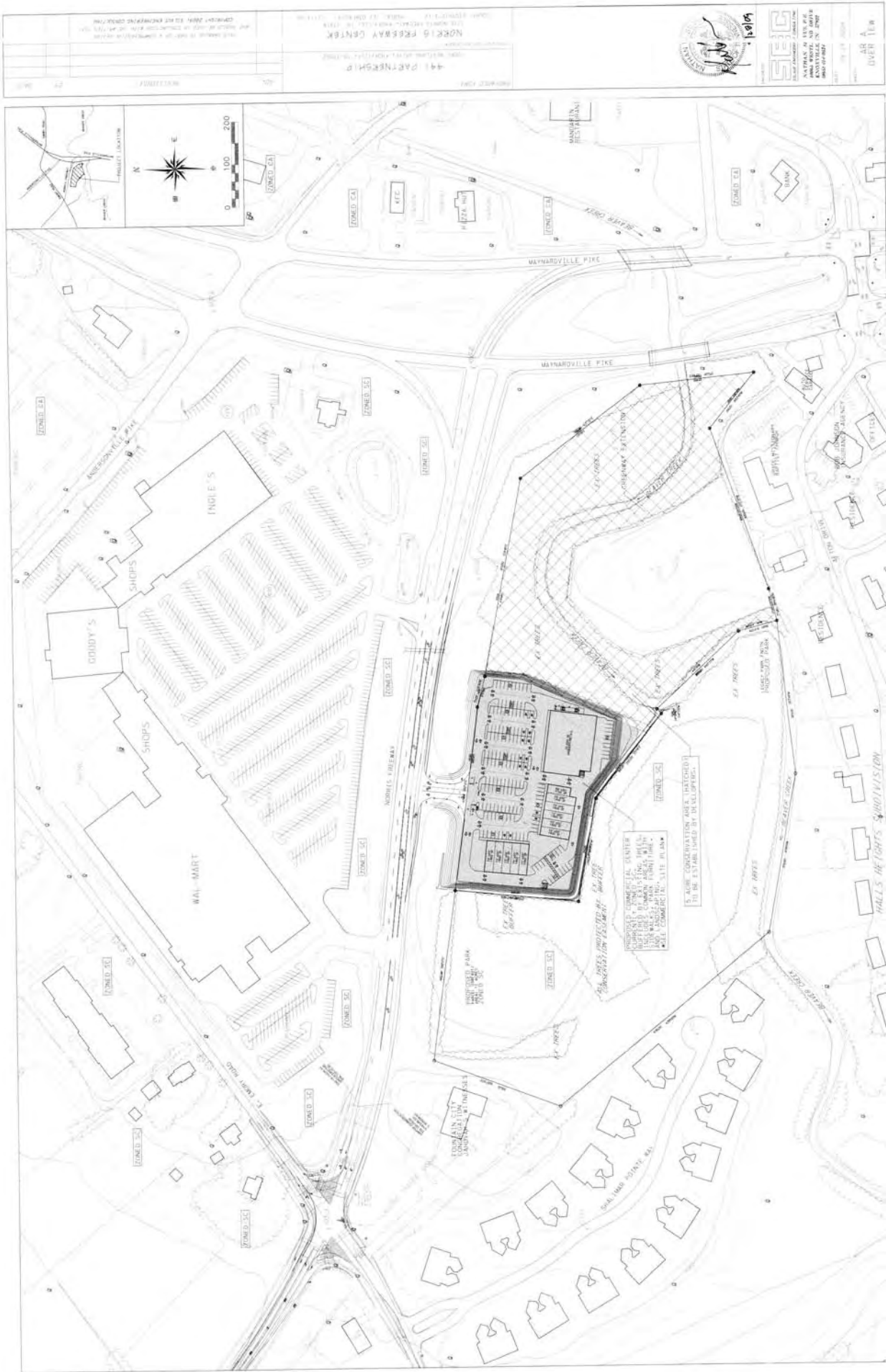
S&B ENGINEERING CONSULTING

NATHAN W SILVUS, PE  
 10065 WESTLAND DRIVE  
 KNOXVILLE, TN 37922  
 065.414.0524



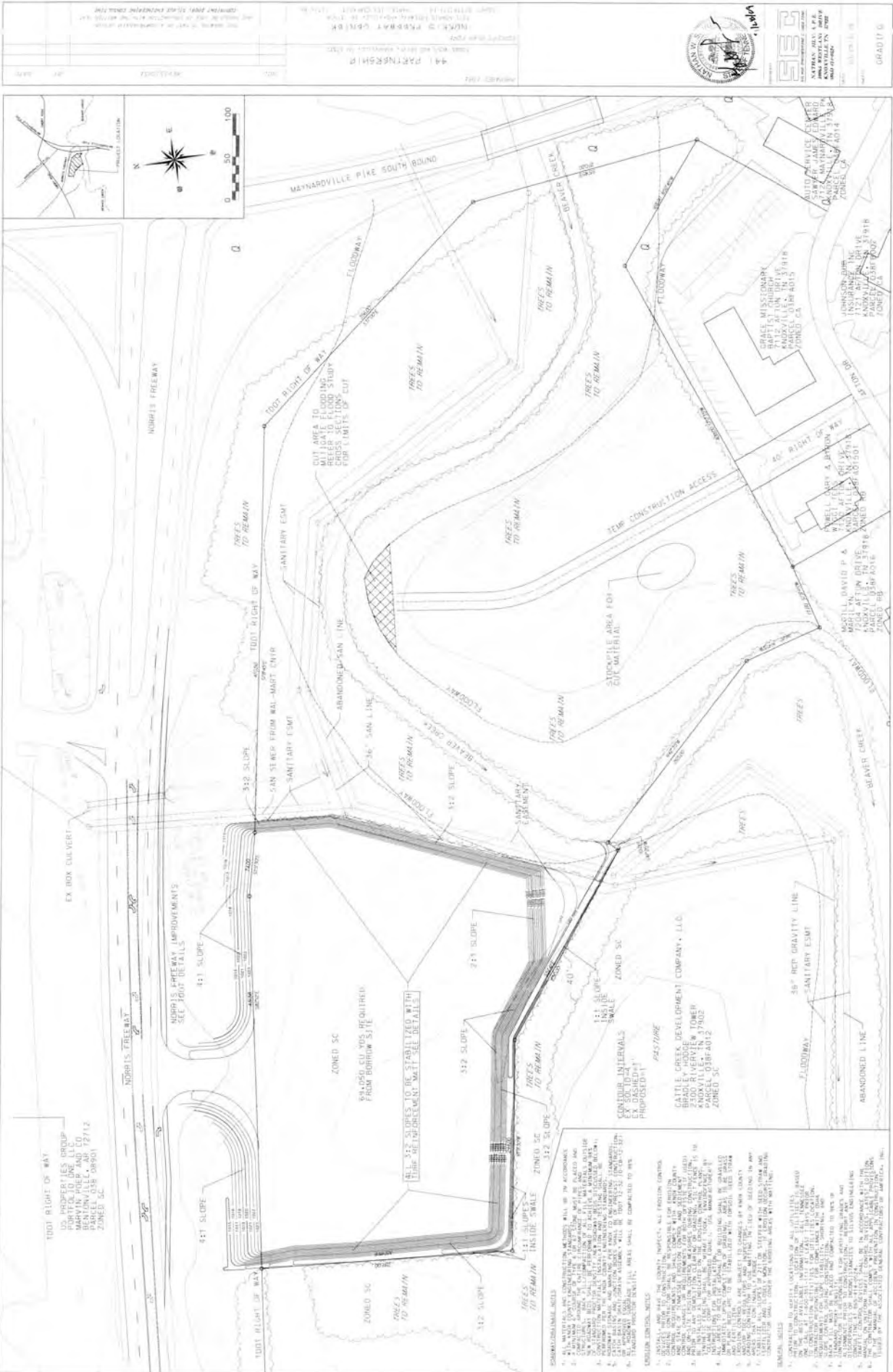
H.C. 0712











11 C-09-09



11-C-09-U-L



11-C-09 UR



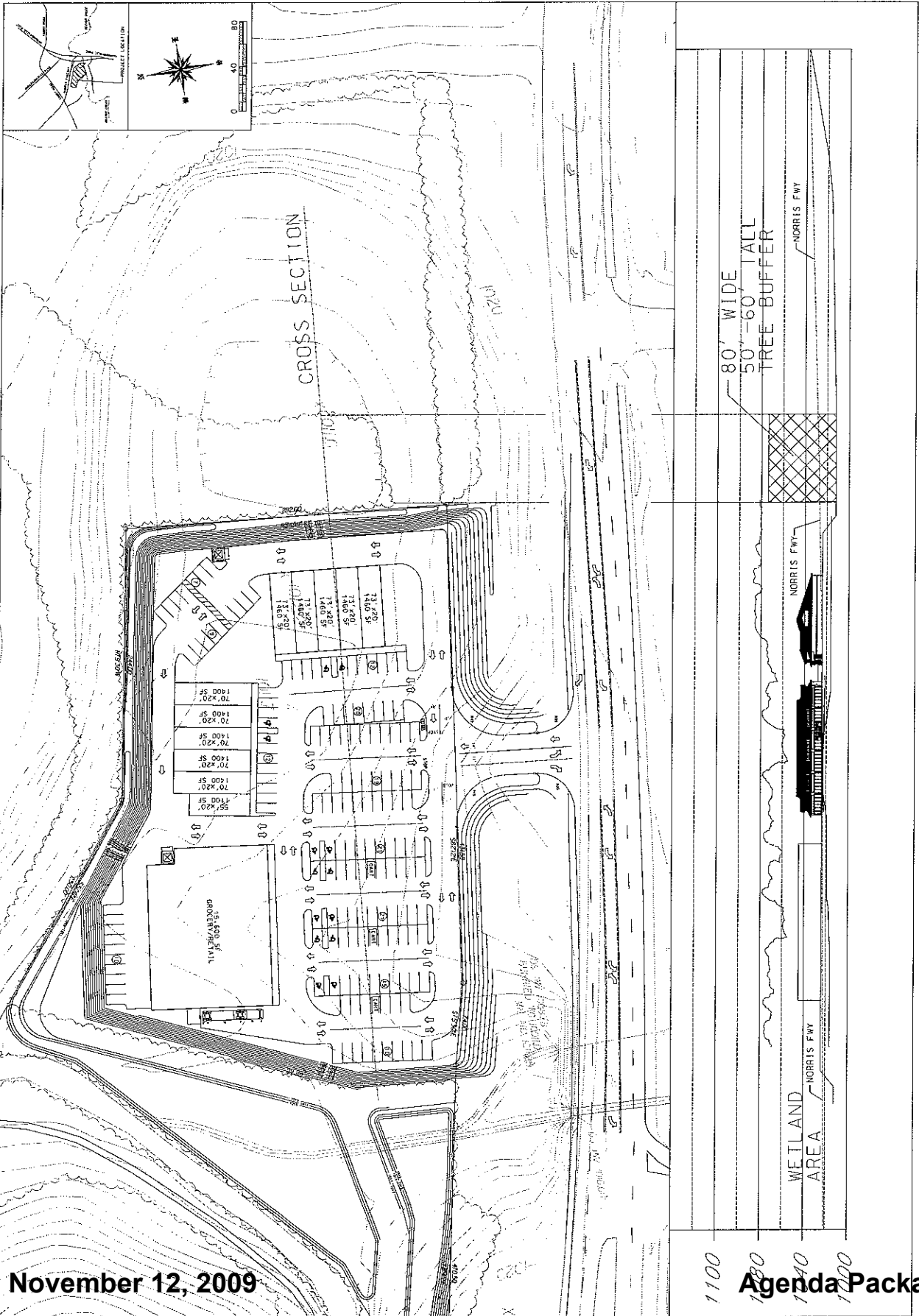






REVISIONS: NO. BY DATE		PREPARED FOR: 441 PARTNERSHIP 1000 WESTLAND DRIVE, KNOXVILLE, TN 37923 NORRIS FREEWAY CENTER 1315 NORRIS FREEWAY, KNOXVILLE, TN 37918 COUNTY DISTRICT: 05 PARCEL: 104, 0344013 CITY: NO	
THIS DRAWING IS PART OF A CONCEPTUAL DESIGN AND SHOULD BE USED IN CONNECTION WITH THE PROJECT TEXT AND SPECIFICATIONS.		CONCEPT PLAN FOR: NORRIS FREEWAY CENTER 1315 NORRIS FREEWAY, KNOXVILLE, TN 37918 COUNTY DISTRICT: 05 PARCEL: 104, 0344013 CITY: NO	

**SEC**  
 SURVEYING & ENGINEERING  
 1000 WESTLAND DRIVE, SUITE 200  
 KNOXVILLE, TN 37923  
 DATE: 11/2009  
 SHEET: ELEVATION CROSS SECTION



**From:** Dan Kelly  
**To:** Betty Jo Mahan  
**Date:** 11/3/2009 7:36:01 AM  
**Subject:** RE: 11-C-09-UR Fwd: Norris Freeway Slope Stabilization

>>> Nathan Silvus <nathan@silvus.us> 11/01 12:24 PM >>>  
Dan, Please see attached. This is the spec sheet for the slope stabilization product we are going to use on the steeper slopes at Halls Park Center. I will produce a stable, grassed slope at 3:2 grade.

----- Forwarded Message -----

From: Marty Mason <mmason@superiortn.com>  
To: Nathan Silvus <nathan@silvus.us>  
Sent: Fri, October 30, 2009 2:19:56 PM  
Subject: RE:

Check this out (attached).

Marty

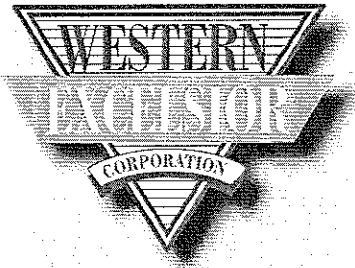
From: Nathan Silvus [<mailto:nathan@silvus.us>]  
Sent: Friday, October 30, 2009 9:52 AM  
To: Marty Mason  
Subject:

hey man, can you send me some info on the erosion matt and permanent stabilization for a 3:2 slope? Thanks

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.423 / Virus Database: 270.14.36/2465 - Release Date: 10/30/09 07:52:00



Chad Lipscomb, PE, CPESC  
Director, Technical Services  
Western Excelsior Corporation  
PO Box 270308  
Fort Collins, CO 80527-0308  
970-631-8366 office  
chad@westernexcelsior.com

“Blanketing Nature With Nature”

---

Effective: 2/15/09

RE: Certificate of Conformance: *Excel CC-4™*

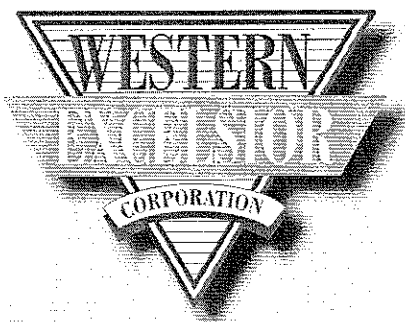
To Whom it May Concern:

This letter is to certify that Western Excelsior manufactures the Rolled Erosion Control Product (RECP) marketed as EXCEL CC-4. Each blanket is subjected to Western Excelsior's Quality Assurance Program and is manufactured to the specifications listed in document number WE\_EXCEL\_CC4\_SPEC. Further, Western Excelsior utilizes industry standardized test procedures to develop performance references for Excel CC-4. Document number WE\_EXCEL\_CC4\_PERF presents the industry standardized testing and results. Installation instructions are provided in document numbers WE\_EXCEL\_CC4\_SII and WE\_EXCEL\_CC4\_CII for hill slope and channel installations, respectively. A copy of document number WE\_EXCEL\_CC4\_SPEC is attached; all other documentation may be obtained by calling Western Excelsior Technical Services at 1-800-967-4009, at [www.westernexcelsior.com](http://www.westernexcelsior.com) or by email at [wexcotech@westernexcelsior.com](mailto:wexcotech@westernexcelsior.com)

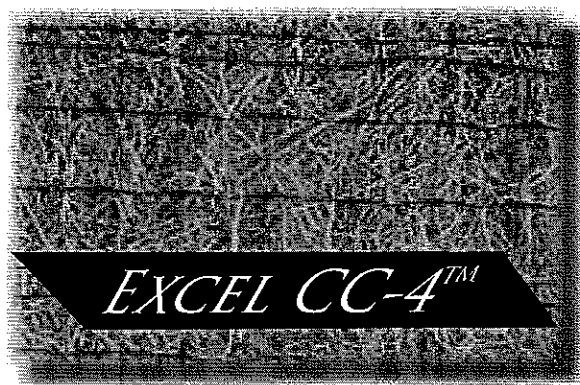
Regards,

A handwritten signature in black ink, appearing to read "Chad M. Lipscomb".

Chad M Lipscomb, PE, CPESC  
Director, Technical Services  
Western Excelsior Corporation



## Material Properties and Dimensions



### Description

Western Excelsior manufactures a full line of Rolled Erosion Control Products (RECPs). Excel CC-4 consists of a machine produced, clean coconut fiber matrix, manufactured for consistent coverage and thickness. The coconut matrix is confined by a UV stabilized photodegradable, synthetic net on top and bottom, mechanically (stitch) bound on two inch centers. Excel CC-4 is intended for slope or channel erosion control applications requiring up to thirty-six months of functional longevity. Actual field longevity is dependent on soil and climatic conditions.

### Specifications

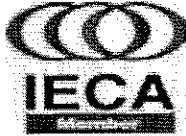
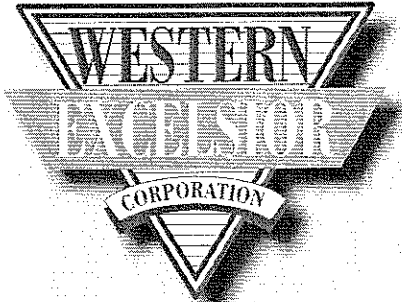
Each roll of EXCEL CC-4 is manufactured under Western Excelsior's Quality Assurance Program to ensure a continuous distribution of fibers and consistent thickness. Verified values are provided in Table 1 and product characteristics are provided in Tables 2 and 3. Values provided in Tables 1, 2 and 3 represent expected values at the time of manufacture. Installation instructions and performance data are available from Western Excelsior's Technical Support Division.

Tested Property	Test Method	Value	Units
Tensile Strength	ASTM D6818	18.4 (MD), 12.7 (TD)	lb/in
Elongation	ASTM D6818	25 (MD), 25 (TD)	%
Mass per Unit Area	ASTM D6475	8.5	oz/yd <sup>2</sup>
Thickness	ASTM D6525	6.5	mm
Light Penetration	ASTM D6567	15	% open
Water Absorption	ASTM D1117	250	%

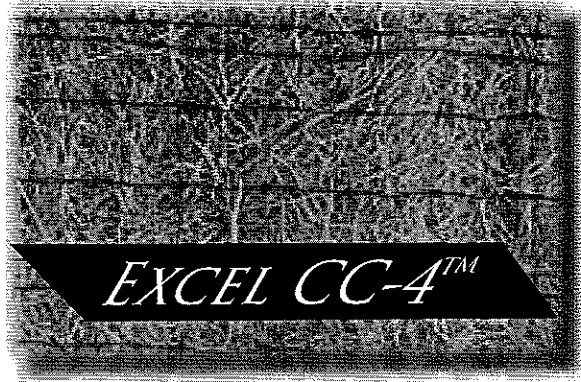
Top Net	Synthetic UV Stabilized Photo-degradable
Bottom Net	Synthetic UV Stabilized Photo-degradable
Top Net Opening	0.75 in x 0.75 in (Nominal)
Bottom Net Opening	0.75 in x 0.75 in (Nominal)

Style	Narrow	Wide
Roll Width	7.5 ft	15.0 ft
Roll Length	120 ft	120 ft
Coverage	100 yd <sup>2</sup>	200 yd <sup>2</sup>
Roll Weight	55 lbs	110 lbs

Document # WE\_EXCEL\_CC4\_SPEC. This document has been developed to provide the characteristic properties of the product described. For questions, to request performance data or installation recommendations, contact Western Excelsior at 800-967-4009 or wexcotech@westernexcelsior.com. Updated 2/09.



## Product Evaluation Data and Test Results



### Test Methods

A variety of test methods are utilized to determine performance and conformance values for Rolled Erosion Control Products (RECPs). Information within this document is presented to provide conformance values and recommended design values. Test results obtained for the Excel CC-4 Extended Term Erosion Control Blanket (ECB) and general design values are presented in Tables 1-4. For specific information detailing testing protocols, results and application of design values, refer to document number WE\_EXCEL\_PERF\_GEN.

### Test Results

Table 1 - Bench Scale Testing (NTPEP)

Test Method	Test Condition	Results	Units
ECTC Test Method 2 - Rainfall	2 in. per hour	15.27	Soil Loss Ratio
	4 in. per hour	20.78	
	6 in. per hour	28.28	
ECTC Test Method 3 - Shear Resistance	3 59 psf	0.5	Soil Loss (in.)
ECTC Test Method 4 - Germination	Top Soil Fescue, 21 day Incubation	583	% Improvement

Table 2 - Texas Transportation Institute (TTI)

Rainfall Testing				Channelized Testing		
Class	Slope Gradient	Soil Type	Result	Class	90 Day Partially Vegetated Shear Stress Threshold	Result
A	< 3H : 1V	Clay	N/A	E	2.0 lb/ft <sup>2</sup>	Approved
B	< 3H : 1V	Sand	Approved	F	4.0 lb/ft <sup>2</sup>	Approved
C	> 3H : 1V	Clay	N/A	G	6.0 lb/ft <sup>2</sup>	N/A
D	> 3H : 1V	Sand	Approved	H	8.0 lb/ft <sup>2</sup>	N/A
				I	10.0 lb/ft <sup>2</sup>	N/A
				J	12.0 lb/ft <sup>2</sup>	N/A

### Recommended Design Values

Table 3 - Unvegetated Design Values

Maximum Permissible Velocity*	Soil Loss
8.5 ft/s	0.5 inches
Maximum Permissible Shear Stress*	Soil Loss
2.3 lb/ft <sup>2</sup>	0.5 inches
Resistance to Flow*	
HEC 15 Shear Relationship	Manning's n
0.6 lb/ft <sup>2</sup> (Tau <sub>lower</sub> )	0.033
1.2 lb/ft <sup>2</sup> (Tau <sub>mid</sub> )	0.031
2.3 lb/ft <sup>2</sup> (Tau <sub>upper</sub> )	0.031
RUSLE Cover Factor*	Slope Gradient*
0.05	1.5 H : 1V

Table 4 - Vegetated Design Values

Maximum Permissible Velocity*
N/A
Maximum Permissible Shear Stress*
N/A

\*Recommended Design Values provided herein are based on results of standardized industry testing and may not be applicable for all field conditions. Values provided herein are intended for use with the state of the practice design procedures.

Document # WE\_EXCEL\_CC4\_PERF. This document has been developed to provide information regarding the bench scale and/or performance testing conducted on the Excel CC-4 ECB. For questions or installation recommendations, contact Western Excelsior Technical Services Division at 800-967-4009 or wexcotech@westnexcelsior.com. Updated 02/2009



## Slope Installation Instructions EXCEL CC-4

### Step 1 - Site Preparation

Prepare site to design profile and grade. Remove debris, rocks, clods, etc. Ground surface should be smooth prior to installation to ensure blanket remains in contact with slope.

### Step 2 - Seeding

Seeding of site should be conducted to design requirements or to follow local or state seeding requirements as necessary.

### Step 3 - Staple Selection

At a minimum, 6" long by 1" crown, 11 gauge staples are to be used to secure the blanket to the ground surface. Installation in rocky, sandy or other loose soil may require longer staples.

### Step 4 - Excavate Anchor Trench and Secure Blanket

Excavate a trench along the top of the slope to secure the upstream end of the blanket. The trench should run along the length of the installation, be 6" wide and 6" deep. Staple blanket along bottom of trench, fill with compacted soil, overlap blanket towards toe of slope and secure with row of staples (shown in Figures A, E and F).

### Step 5 - Secure Body of Blanket

Roll blanket down slope from anchor trench. Staple body of blanket following the pattern shown in Figure D. Leave end of blanket unstapled to allow for overlap shown in Figure B. Place downstream blanket underneath upstream blanket to form shingle pattern. Staple seam as shown in Figure E. Secure downstream blanket with stapling pattern shown in Figure D. Stapling pattern shown in Figure D reflects minimum staples to be used. More staples may be required to ensure blanket is sufficiently secured to resist mowers and foot traffic and to ensure blanket is in contact with soil surface over the entire area of blanket. Further, critical points require additional staples. Critical points are identified in Figure G.

### Step 6 - Continue Along Slope - Complete Installation

Overlap adjacent blankets as shown in Figure C and repeat Step 5. Secure toe of slope using stapling pattern shown in Figure E. Secure edges of installation by stapling at 1.5' intervals along the terminal edge.

Document # WE\_EXCEL\_CC4\_SII

\* Approximately 250 Staples per 7.5' Roll & 500 Staples per 15' Roll Required - Drawings Not to Scale 15' Wide Blanket Shown

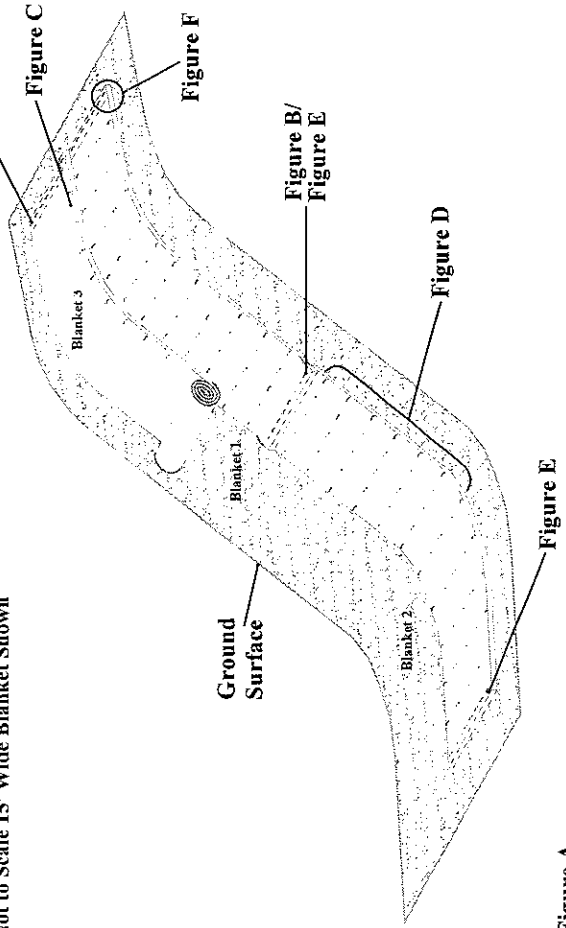


Figure A

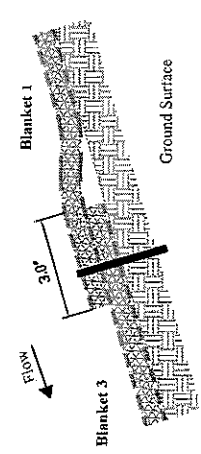


Figure B - Profile View

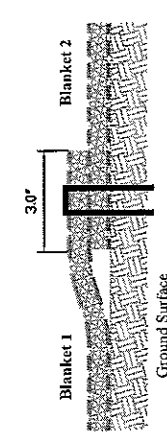
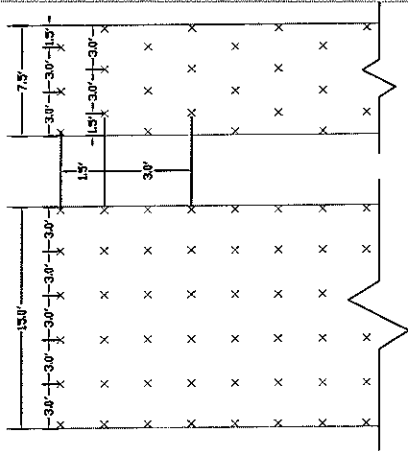
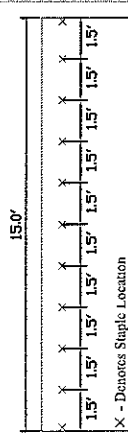


Figure C - Cross Section View



X - Denotes Staple Location  
Figure D - Plan View



X - Denotes Staple Location  
Figure E - Plan View

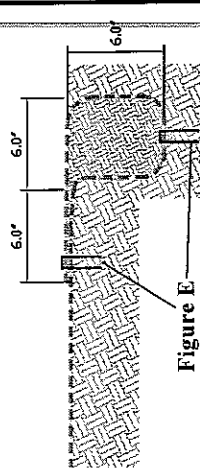


Figure F - Profile View

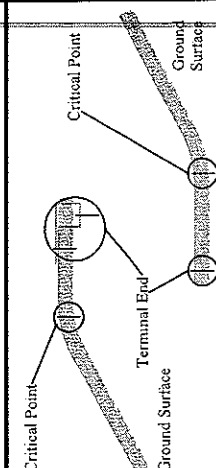


Figure G - Critical Point Securing

### Product Application/Equivalency Specifications

Excel CC-4 is produced by Western Excelsior and consists of an extended term Rolled Erosion Control Product (RECP) comprised of a coconut matrix mechanically (stitch) bound between two, UV stabilized photodegradable synthetic nets (top and bottom). The expected longevity of Excel CC-4 is approximately 36 months (actual longevity dependent on field and climatic conditions). Excel CC-4 is manufactured to include physical properties sufficient to provide the intended longevity and performance. Product specifications may be found on document WE\_EXCEL\_CC4\_SPEC and performance information may be found on document WE\_EXCEL\_CC4\_PERF. All documents are available from Western Excelsior Technical Support or www.westernexcelsior.com. Additional to above, equivalent products to Excel CC-4 must meet identical criteria as Excel CC-4 as follows:

1. Consist of a coconut matrix mechanically (stitch) bound between two synthetic, UV stabilized photodegradable nets.
2. Sufficient tensile strength, thickness and coverage to maintain integrity during installation and ensure material performance.
3. Listing within AASHTO NTPEP database.
4. Meet ECTC specification for category 4 products.



# Channel Installation Instructions EXCEL CC-4

## Step 1 - Site Preparation

Prepare site to design profile and grade. Remove debris, rocks, clods, etc... Ground surface should be smooth prior to installation to ensure blanket remains in contact with slope.

## Step 2 - Seeding

Seeding of site should be conducted to design requirements or to follow local or state seeding requirements as necessary.

## Step 3 - Staple Selection

At a minimum, 6" long by 1" crown, 11 gauge staples are to be used to secure the blanket to the ground surface. Installation in rocky, sandy or other loose soil may require longer staples.

## Step 4 - Excavate Anchor Trench and Secure Blanket

Excavate a trench along the top of the channel side slopes and the upstream terminal end of the channel to secure the edges of the blanket. The trench should run along the length and width of the installation, be 6" wide and 6" deep. Staple blanket along bottom of trench, fill with compacted soil, overlap blanket towards toe of slope and secure with row of staples (shown in Figures A, E and F).

## Step 5 - Secure Body of Blanket

Roll blanket down slope from anchor trench. Staple body of blanket following the pattern shown in Figure D. Leave end of blanket unstapled to allow for overlap shown in Figure B. Place downstream blanket underneath upstream blanket to form shingle pattern. Staple seam as shown in Figure E. Secure downstream blanket with stapling pattern shown in Figure D. Stapling pattern shown in Figure D reflects minimum staples to be used. More staples may be required to ensure blanket is sufficiently secured to resist mowers and foot traffic and to ensure blanket is in contact with soil surface over the entire area of blanket. Further, critical points require additional staples. Critical points are identified in Figure G.

## Step 6 - Continue Along Slope - Complete Installation

Overlap adjacent blankets as shown in Figure C and repeat Step 5. Secure toe of slope using stapling pattern shown in Figure E. Secure edges of installation by stapling at 1.5' intervals along the terminal edge.

Document # WE\_EXCEL\_CC4\_CUI

\*Approximately 390 Staples per 7.5' Roll & 780 Staples per 15' Roll Required - Drawings Not to Scale 15' Wide Blanket Shown

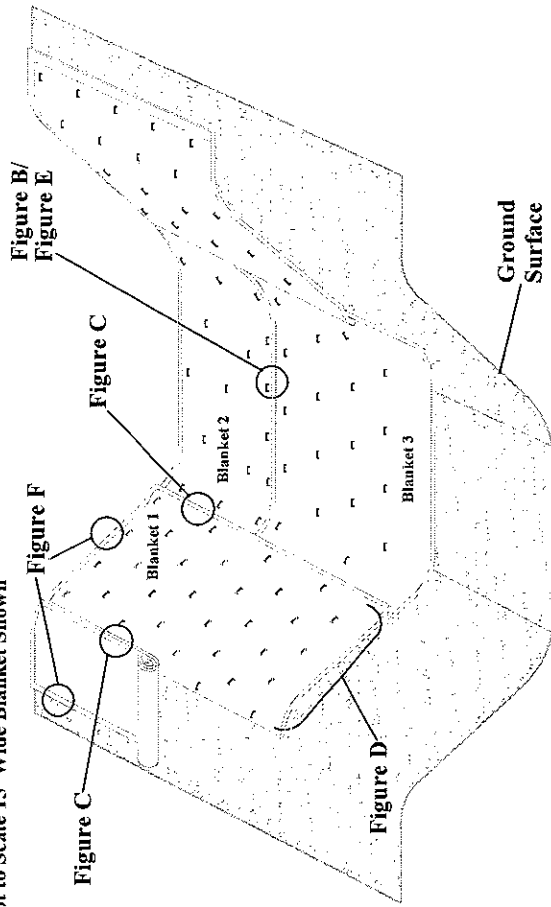


Figure A

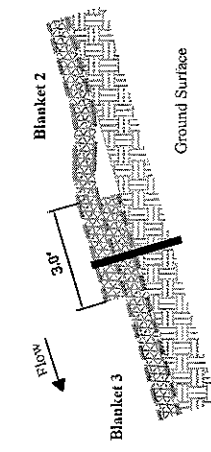


Figure B - Profile View

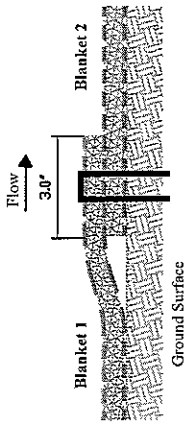
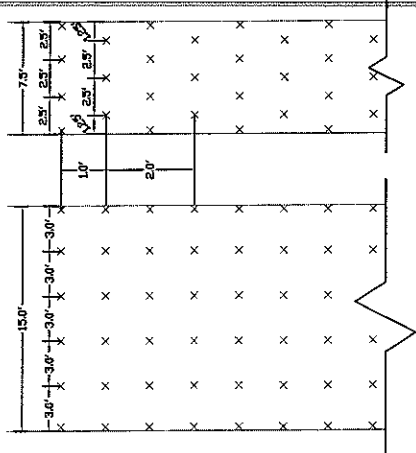
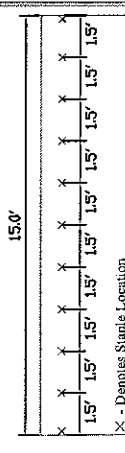


Figure C - Cross Section View



X - Denotes Staple Location  
Figure D - Plan View



X - Denotes Staple Location  
Figure E - Plan View

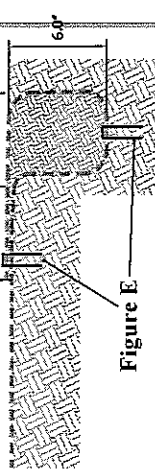


Figure F - Profile View

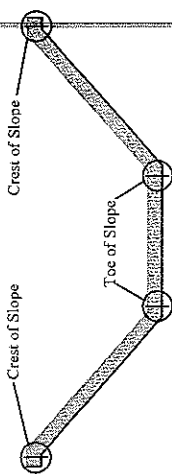


Figure G - Critical Points

## Product Application/Equivalency Specifications

Excel CC-4 is produced by Western Excelsior and consists of an extended term Rolled Erosion Control Product (RECP) comprised of a coconut matrix mechanically (stitch) bound between two, UV stabilized photodegradable synthetic nets (top and bottom). The expected longevity of Excel CC-4 is approximately 36 months (actual longevity dependent on field and climatic conditions). Excel CC-4 is manufactured to include physical properties sufficient to provide the intended longevity and performance. Product specifications may be found on document WE\_EXCEL\_CC4\_SPEC and performance information may be found on document WE\_EXCEL\_CC4\_PERF. All documents are available from Western Excelsior Technical Support or [www.westernexcelsior.com](http://www.westernexcelsior.com). Additional to above, equivalent products to Excel CC-4 must meet identical criteria as Excel CC-4 as follows:

1. Consist of a coconut matrix mechanically (stitch) bound between two synthetic, UV stabilized photodegradable nets.
2. Sufficient tensile strength, thickness and coverage to maintain integrity during installation and ensure material performance.
3. Listing within AASHTO NITPEP database.
4. Meet ECTC specification for category 4 products.



**Paso 1 - Preparación del Lugar**

Prepárese el lugar según el perfil del diseño y de la pendiente. Limpie la zona de escombros, piedras, y terrones, etc. La superficie de la tierra debe estar lisa antes de la instalación para asegurar que el cojin permanezca en contacto con la pendiente.

**Paso 2 - Semilla**

El sembrado de la semilla en el lugar se debe hacer de acuerdo a los requisitos del diseño o a los requisitos locales para los materiales, según sea necesario.

**Paso 3 - Selección de Grapas**

Lo mínimo que se debe usar son grapas de calibre 11, de 6" de largo y 1" de corona para sujetar el cojin a la superficie de la tierra. La instalación en tierra rocosa, arenosa o suelta puede requerir grapas más largas.

**Paso 4 - Excave Zanja para Anclaje y Sujete el Cojin**

Excave una zanja a lo largo de la parte superior de las pendientes de los lados del canal y la orilla de arriba del canal para sujetar las orillas del cojin. La zanja debe correr a lo largo y ancho de la instalación, tener 6" de ancho y 6" de profundidad. Engrape el cojin a lo largo del fondo de la zanja, llénala con tierra compactada, empálmese el cojin hacia la parte inferior de la pendiente y sujételo con una hilera de grapas (Vea las Figuras A, E y F).

**Paso 5 - Sujete el Cuerpo del Cojin**

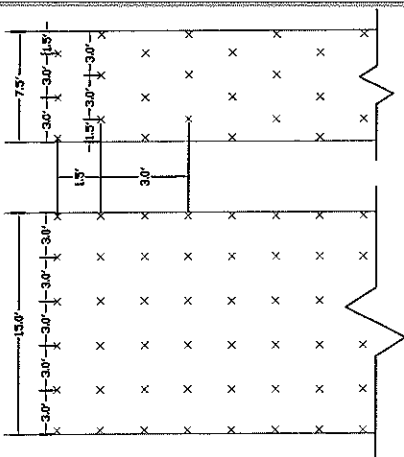
Desenrolle el cojin hacia abajo desde la zanja de anclaje. Engrape el cuerpo del cojin siguiendo el patron que se muestra en la Figura D. Deje la punta del cojin sin engrapar para que lo pueda empalmar como se muestra en la Figura B. Coloque el cojin que baja por debajo del de arriba para formar un patron como de tejas. Engrape las uniones como se muestra en la figura E. Sujete el cojin de bajada con el patron de engrapado que se muestra en la Figura D. El patron de engrapado de la Figura D refleja el minimo de grapas que se debe usar. Se pueden requerir más grapas para asegurar que el cojin quede suetado suficientemente para resistir podadoras y tráfico a pie y para asegurar que el cojin permanezca en contacto con la superficie de la tierra toda el área. Además, los puntos críticos requerirán grapas adicionales. Los puntos críticos están identificados en la Figura G.

**Paso 6 - Continúe a lo largo de la Pendiente - Termine la Instalación**

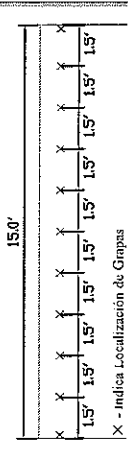
Empalme los cojines adyacentes como se muestra en la Figura C y repita el Paso 5. Sujete la parte inferior de la pendiente usando el patron de grapas que se muestra en la Figura E. Sujete las orillas de la instalación engrapando a intervalos de 1.5' a lo largo de la orilla.

document # WE\_EXCEL\_CC4\_SII

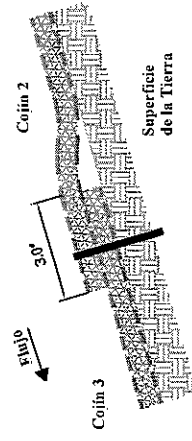
\* Se Requieren Aproximadamente 250 Grapas por Rollo de 7.5' y 500 Grapas por Rollo de 15' - El Dibujo No Está a Escala. Se Muestra el Cojin de 15' de Ancho



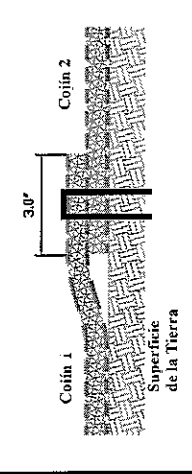
**Figura D - Vista del Plano**  
 X - Indica Localización de Grapas



**Figura E - Vista del Plano**  
 X - Indica Localización de Grapas



**Figura B - Vista de Perfil**

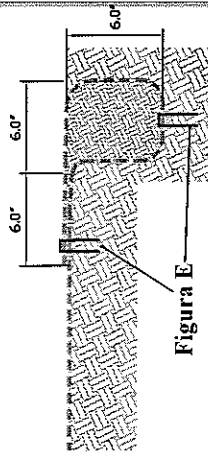


**Figura C - Corte de Vista Transversal**

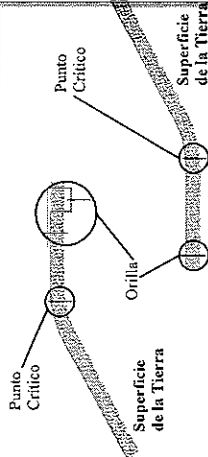
**Aplicación del Producto/Especificaciones de Equivalencia**

Excel CC-4 es producido por Western Excelsior y consiste de un Producto en Rollo para Control de la Erosión por un termino extendido (PCER), formado de una matriz de coco unida mecánicamente (cosida) entre dos redes, estabilizadas UV, sintéticas fotodegradables (parte superior e inferior). La vida útil del EXCEL CC-4 es aproximadamente 36 meses. (La vida útil real depende del campo y de las condiciones climáticas). El Excel CC-4 se fabrica para incluir propiedades físicas suficientes para proporcionar la vida útil y rendimiento esperado. Las especificaciones del producto se encuentran en el documento WE\_EXCEL\_CC4\_SPEC y la informacion de rendimiento se puede encontrar en el documento WE\_EXCEL\_CC4\_PERF. Todos los documentos están disponibles en Western Excelsior Technical Support (Soporte Técnico de Western Excelsior) o en [www.westernexcelsior.com](http://www.westernexcelsior.com). Además de lo anterior, los productos equivalentes a Excel CC-4 deben cumplir con los siguientes criterios idénticos a Excel CC-4:

1. Consistente en una matriz de coco unida mecánicamente (cosida) entre dos redes sintéticas, estabilizadas UV, fotodegradables.
2. Suficiente fuerza de tensión, grosor y cobertura para mantener su integridad durante la instalación y asegurar el rendimiento del material.
3. Incluido en la base de datos AASHTO NTPEP.
4. Cumple con especificación ECTC para productos de categoria 4.



**Figura F - Vista de Perfil**



**Figura G - Sujeción de Puntos Críticos**

## Instalación en Canal

Instrucciones EXCEL CC-4

### Paso 1 - Preparación del Lugar

Prepárese el lugar según el perfil del diseño y de la pendiente. Recorra el escombros, piedras, y troncos, etc. La superficie de la tierra debe estar lisa antes de la instalación para asegurar que el cojín permanezca en contacto con la pendiente.

### Paso 2 - Semilla

El sembrado de la semilla en el lugar se debe hacer de acuerdo a los requisitos del diseño o a los requisitos locales y estatales, según sea necesario.

### Paso 3 - Selección de Grapas

Lo mínimo que se debe usar son grapas de calibre 11, de 6" de largo y 1" de corona para sujetar el cojín a la superficie de la tierra. La instalación en tierra rocosa, arenosa o suelta puede requerir grapas más largas.

### Paso 4 - Excave Zanja para Anclaje y Sujete el Cojín

Excave una zanja a lo largo de la parte superior de las pendientes de los lados del canal y la orilla de arriba del canal para sujetar las orillas del cojín. La zanja debe correr a lo largo y ancho de la instalación, tener 6" de ancho y 6" de profundidad. Engrape el cojín a lo largo del fondo de la zanja, llénela con tierra compactada, empalme el cojín hacia la parte inferior de la pendiente y sujete con una hilera de grapas (Vea las Figuras A, E y F).

### Paso 5 - Sujete el Cuerpo del Cojín

Desenrolle el cojín hacia abajo desde la zanja de anclaje. Engrape el cuerpo del cojín siguiendo el patrón que se muestra en la Figura D. Deje la punta del cojín sin engrapar para que lo pueda empalmar como se muestra en la Figura B. Coloque el cojín que baja por debajo del de arriba para formar un patrón como de tejas. Engrape las uniones como se muestra en la figura E. Sujete el cojín de bajada con el patrón de engrapado que se muestra en la Figura D. El patrón de engrapado de la Figura D refleja el mínimo de grapas que se debe usar. Se pueden requerir más grapas para asegurar que el cojín quede suelto suficientemente para resistir podadoras y tráfico a pie y para asegurar que el cojín permanezca en contacto con la superficie de la tierra en toda el área. Además, los puntos críticos requieren grapas adicionales. Los puntos críticos están identificados en la Figura G.

### Paso 6 - Continúe a lo largo de la Pendiente - Termine la Instalación

Empalme los cojines adyacentes como se muestra en la Figura C y repita el Paso 5. Sujete la parte inferior de la pendiente usando el patrón de grapas que se muestra en la Figura E. Sujete las orillas de la instalación engrapando a intervalos de 1.5' a lo largo de la orilla.

Documento # WE\_EXCEL\_CC4\_C1

\* Se Requieren Aproximadamente 390 Grapas por Rollo de 7.5' y 780 Grapas por Rollo de 15' - El Dibujo No Esta a Escala. Se Muestra el Cojín de 15' de Ancho

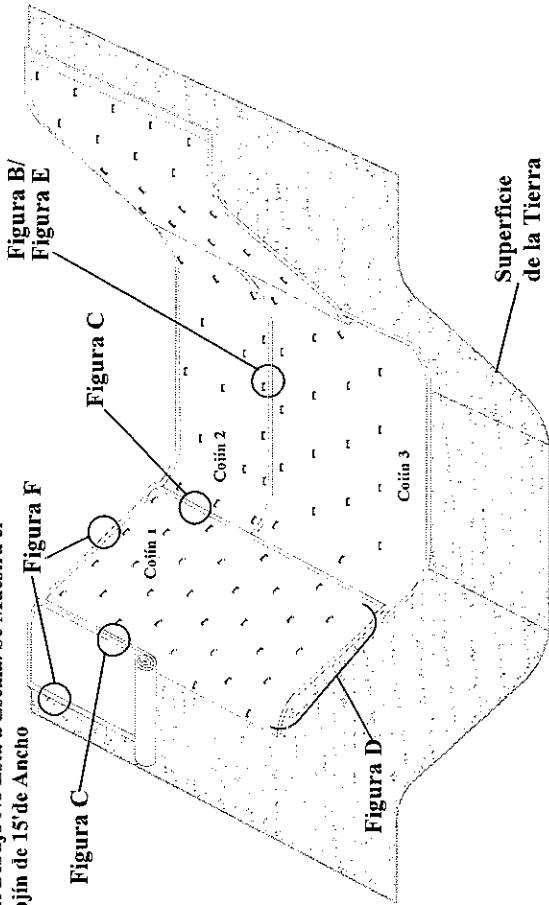


Figura A

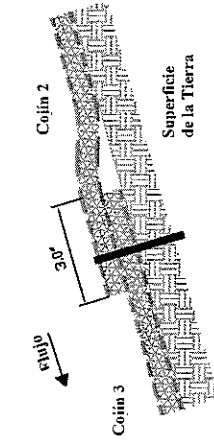


Figura B - Vista de Perfil

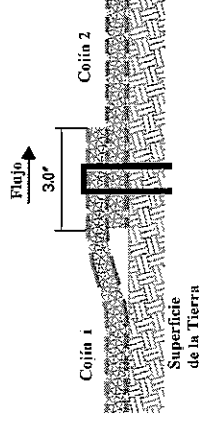
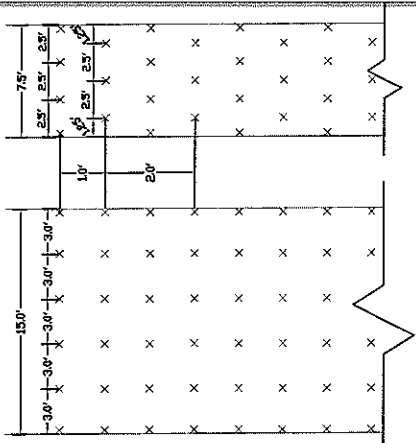


Figura C - Corte de Vista Transversal



X - Indica Localización de Grapas  
Figura D - Vista del Plano

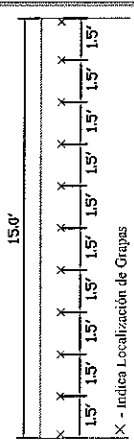


Figura E - Vista del Plano

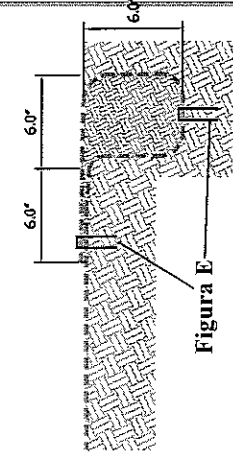


Figura F - Vista de Perfil

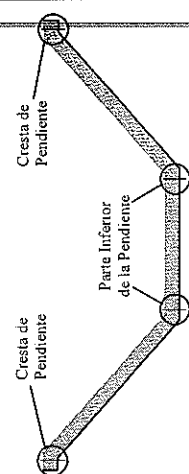


Figura G - Puntos Críticos

### Aplicación del Producto/Especificaciones de Equivalencia

Excel CC-4 es producido por Western Excelsior y consiste de un Producto en Rollo para Control de la Erosión por un término extendido (PCER), formado de una matriz de coco unida mecánicamente (cosida) entre dos redes, estabilizadas UV, sintéticas fotodegradables (parte superior e inferior). La vida útil del EXCEL CC-4 es aproximadamente 36 meses. (La vida útil real depende del campo y de las condiciones climáticas). El Excel CC-4 se fabrica para incluir propiedades físicas suficientes para proporcionar la vida útil y rendimiento esperado. Las especificaciones del producto se encuentran en el documento WE\_EXCEL\_CC4\_SPEC y la información de rendimiento se puede encontrar en el documento WE\_EXCEL\_CC4\_PERF. Todos los documentos están disponibles en Western Excelsior Technical Support (Soporte Técnico de Western Excelsior) o en [www.westernexcelsior.com](http://www.westernexcelsior.com). Además de lo anterior, los productos equivalentes a Excel CC-4 deben cumplir con los siguientes criterios idénticos a Excel CC-4:

1. Consistente en una matriz de coco unida mecánicamente (cosida) entre dos redes sintéticas, estabilizadas UV, fotodegradables.
2. Suficiente fuerza de tensión, grosor y cobertura para mantener su integridad durante la instalación y asegurar el rendimiento del material.
3. Incluido en la base de datos AASHTO NTPEP.
4. Cumple con especificación ECTC para productos de categoría 4.



October 29, 2009

Mr. Nathan Benditz  
Knoxville/Knox County Metropolitan Planning Commission  
Suite 403, City/County Building  
400 Main Street  
Knoxville, Tennessee 37902

RE: Proposed Norris Freeway Center Traffic Impact Study

Dear Mr. Benditz,

Wilbur Smith Associates has reviewed the revised site plan for the proposed Norris Freeway Center. The proposed land-use and density are unchanged from that studied in the impact study dated July 2008. Therefore, the recommendations from the traffic impact study remain applicable to the revised plan.

We understand that access to the park has been located opposite the Halls Crossroads Shopping Center western access. We do not anticipate any conflict with both the park and the center having separate accesses at these proposed locations

Sincerely,  
Wilbur Smith Associates

A handwritten signature in black ink that reads "Kevin A. Cole". The signature is written in a cursive, flowing style.

Kevin A. Cole, PE  
Senior Transportation Engineer

Cc: file/Client

**From:** Dan Kelly  
**To:** Betty Jo Mahan  
**Date:** 11/5/2009 4:43:17 PM  
**Subject:** RE: 11-C-09-UR

>>> "Amanda Snowden" <Amanda.Snowden@tn.gov> 11/05 8:31 AM >>>

Just to clarify, the Department will be considering access for Mr. Silvus based on local site plan approval. The proposed Legacy Park has proposed to construct a county road for their access to the park. Please notify my office when site plan review takes place. Thanks!

Amanda Snowden, P.E.  
TDOT- Region One Traffic Engineer  
(865)594-2456  
(865)594-3948 FAX  
[amanda.snowden@tn.gov](mailto:amanda.snowden@tn.gov)  
(Please note that my email has changed.)

>>> Nathan Silvus <[nathan@silvus.us](mailto:nathan@silvus.us)> 11/1/2009 6:27 PM >>>  
Dan,

I discussed our conversation Re: access to Norris Freeway with Amanda Snowden on Friday at about 4 pm. She reiterated that TDOT is honoring our access rights and is granting a new access for the park. I made sure that Wilbur Smith and Associates was aware of the new park entrance and assured me that there wouldnt be a conflict (400 or 650 feet away). The letter form Wilbur Smith is attached. I do not have an e-mail for Nathan Benditz, can you please forward this message to him.

Thanks, Nathan

# Reasonable Necessity and Relative Intensity of the Proposed

## NORRIS FREEWAY CENTER

Prepared for:

### **441 Partnership**

1815 Nantasket Road, Knoxville, TN 37922

Knox County, Tennessee

Prepared By:



October 2009

## Table of Contents

<b>1. Background and Intensity</b>	<b>1</b>
Intensity Comparison Table	1
<b>2. Reasonable Necessity</b>	<b>2</b>
Trade Areas	2
Trade Area Figure	4
Table 1: Shopping Center Summary	5
Crossroads Center	6
Halls Plaza	7
Halls Center	8
National Fitness Center	9
Will's Place	10
Black Oak Plaza	11
Halls Crossing	12
North Place	13
Reasonable Necessity Summary	14

**1. Background and Intensity**

The current owners of the property began their due diligence for the proposed strip shopping center in February of 2005. The proposal was significantly revised when a park was proposed on the neighboring commercially zoned property in February of 2008. The revisions included removing 30% of the leasable space, addition of outdoor common areas with park/dining furniture, significant increases in landscaping and parking islands, and a donation of land to increase the size of the park by 50%.

The total size of the parcel is 12 acres. 4.3 acres of the parcel is zoned commercial, 4.6 acres is zoned Floodway, and the remaining 3.1 acres is zoned Agricultural.

We are proposing 31,000 SF of retail space on the combined 4.3 acre commercial part of the tract. As a rule of thumb, a commercial center designer targets 10,000 SF of retail space per acre of land. This allows for adequate parking, driveways, signage, and some landscaping. A higher intensity center like Crossroads Center (Wal-Mart/Ingles) across the street on Norris Freeway has 256,000 SF of space on 23.4 acres or 10,900 SF per acre. These high-intensity centers are more profitable but less attractive. For instance, Crossroads Centre has no landscaping in the parking lot.

Our center has a much lower intensity of 7,200 SF per acre because we redesigned the center to be much less intense after the park was proposed on the neighboring property in early 2008. We were happy to make the sacrifice of 30% of our leasable space and parking to make room for outdoor common areas with park furniture, landscaped islands throughout the parking lot, and a voluntary wide buffer strip to preserve the aesthetics of the park. When you include the 4.6-acres of land we are conserving as a part of this project, the intensity drops to 3,485 SF per acre.

Consider the relative intensity of our proposed center to other nearby centers in the area:

<b>Shopping Center</b>	<b>Area (ac)</b>	<b>Space (SF)</b>	<b>Intensity (SF/ac)</b>
<b>Crossroads Center</b> (across Norris Freeway from site, includes Wal-Mart and Ingles)	23.4	256,000	10,900
<b>Halls Plaza</b> (Food City center to the East of the proposed project)	14.23	161,100	11,300
<b>Halls Center</b> (Goodwill, Hammers, and Ace Hardware located to the south on Maynardville Pike)	14.7	159,100	10,800
<b>National Fitness Center</b> (Former Bi-Lo location with Super Cuts)	7.0	51,700	7,450
<b>Proposed Center</b> (commercial land only)	4.3	31,000	<b>7,200</b>
<b>Proposed Center</b> (with conservation area)	8.9	31,000	<b>3,485</b>

## 2. Reasonable Necessity and Trade Areas

The following discussion demonstrates the clear “reasonable necessity” of functional commercial strip center space within the trade area of our proposed center. All of the occupancy data in this report was updated on Monday June 8, 2009. The 4 most comparable centers were updated again on Thursday October 29, 2009.

**Trade Areas.** The trade areas for this analysis are a half-mile and a 1-mile radius around the proposed center as shown in the figure on page 4. The half-mile radius contains the relevant centers for comparison. The less-relevant 1-mile radius extends as far south on Maynardville Pike (Broadway) as Black Oak Ridge and the North Place Shopping Center. It extends as far west as the abandoned Super Wal-Mart Center. Within the trade area there are a 3 highly comparable shopping centers and 5 other shopping centers that have medium to low comparability to the proposed center.

In commercial real estate, a reasonably comparable shopping center would not be located a mile away. That is like saying that vacant space on Lovell Road would have an impact on occupancy in Turkey Creek; or that vacant space on Washington Pike would impact occupancy in Knoxville Center Mall; or that vacant buildings on Magnolia Avenue would impact occupancy in the Old City; or that vacant space on Southerland Ave would impact occupancy on Kingston Pike; or that vacant space on Chapman Highway would impact occupancy at Governors Crossing. Although they are within a mile of each other (as the crow flies), these locations are completely unrelated in terms of market dynamics.

The only shopping centers that are truly comparable to our proposed center are Crossroads Center (the Wal-Mart/Ingles center across the street), Halls Plaza (the Food City center to the east of the proposed center), and Halls Center (the Goodwill and Ace Hardware center on Maynardville Pike). These centers are all within about a half-mile driving distance to the proposed shopping center and are nearly as highly functioning as our proposed center, although none of them include outdoor landscaped common/dining areas, park furniture, or landscaped islands. Also, all of these centers are of higher intensity than our proposed center.

The only reason that the trade area is extended to a full mile in this analysis is because we have to go that far out to include the shopping centers that contain the vacant space that the opposition to our project cited in the BZA meeting in September 2008. Detailed discussions of all of these centers can be found on the following pages.

**Cancellations.** Our proposed shopping center is not the only one to come before political review recently. In December 2007, long after our land was rezoned to commercial, the MPC approved and the County Commission upheld the proposed addition of 454,000 square feet of commercial space at Graham Development’s Willow Creek Development on Maynardville Pike, about 1.5 miles north from our proposed center. This approval was made despite a statement in the MPC recommendation that “The development of this site for commercial uses may spur further commercial development in the immediate area”. There was no mention of “reasonable necessity”.



There was also no mention of “reasonable necessity” when the MPC and County Commission approved the rezoning and use on review for the new 360,000 SF Wal-Mart Center less than a half a mile away from our site in August of 2006. This was approved 4 months after our property was rezoned to commercial and included the support of both 7<sup>th</sup> district commissioners, just like our rezoning did.

According to the 2008 Shopping Center Analysis prepared by the MPC, across the entire county, the average shopping center vacancy rate is 9.2%. In the north sector, the vacancy rate is reported at 10%. As clearly demonstrated in this report, within our close trade area the vacancy rate is less than 4%. This is *why* Graham was proposing a 454,000 SF Lowe’s Center and *why* TTC Halls was proposing a 360,000 SF Wal-Mart/Home Depot shopping center nearby. These centers combine for about 814,000 SF of total space, all of which was approved as “reasonably necessary”. However, these centers have been cancelled due to the economic downturn. Our 31,000 SF center represents less than 4% of that total 814,000 SF that had been previously approved. In essence, this still leaves a shortfall of 783,000 SF of previously determined “reasonably necessary” space.

All of this said, we are not simply trying to simply win a political argument. We are proposing the investment of millions of our dollars into the community and creating as many as 150 new full and part time jobs in the process. In order for us to proceed, we must be convinced that there is indeed appetite for the new lease space. Therefore, we have conducted a detailed market analysis of the shopping centers in the trade area.

While I disagree in concept that we should be required to share this proprietary market research with the public in order to proceed with a shopping center on land that is zoned “Shopping Center”, the opposition to our project has forced our hand. Our market analysis is on the following pages and it clearly demonstrates that **there is indeed a strong need for new, functional, affordable strip center space in the area.**



**Table 1. Shopping Center Comparison**

	Anchors	Driving Distance (Miles)	Obscured By Out Parcels	Obscured By Grade Change	Defective Layout	Size (Sq Ft)	Occupancy	Comparability To Proposed Center
<b>Crossroads Centre</b> Norris Freeway	Wal-Mart Ingles Goody's	<b>0.00</b>	NO	NO	NO	256,600	<b>96%</b>	<b>HIGH</b>
<b>Halls Plaza</b> Andersonville Pike	Food City Sofas & More Dollar Tree	<b>0.48</b>	NO	NO	NO	161,100	<b>97%</b>	<b>HIGH</b>
<b>Halls Center</b> Maynardville Pike	Goodwill Ace Hardware Hammer's	<b>0.56</b>	NO	NO	NO	120,250	<b>100%</b>	<b>HIGH</b>
<b>National Fitness Center</b> Maynardville Pike	National Fitness Center	<b>0.72</b>	NO	NO	NO	51,700	96%	MEDIUM
<b>Wills Place</b> Maynardville Pike	Wish-Bones	<b>0.90</b>	NO	NO	YES	14,200	22%	MEDIUM
<b>Black Oak Plaza</b> Maynardville Pike	Kroger K-Mart	<b>0.90</b>	YES	NO	YES	232,600	82%	LOW
<b>Halls Crossing</b> Maynardville Pike	Fred's Pharmacy	<b>0.97</b>	YES	YES	NO	70,400	42%	LOW
<b>North Place</b> Maynardville Pike	None	<b>1.13</b>	NO	NO	YES	24,800	82%	LOW
<b>Proposed Wal-Mart</b> Norris Freeway	Super Wal-Mart and Home Depot both pulled out	0.66	YES	YES	--	--	--	--
<b>PROPOSED CENTER</b> Norris Freeway	Specialty Grocery or Restaurant	--	NO	NO	NO	31,000	--	--

## Detailed Shopping Center Inventory within Trade Area Crossroads Centre

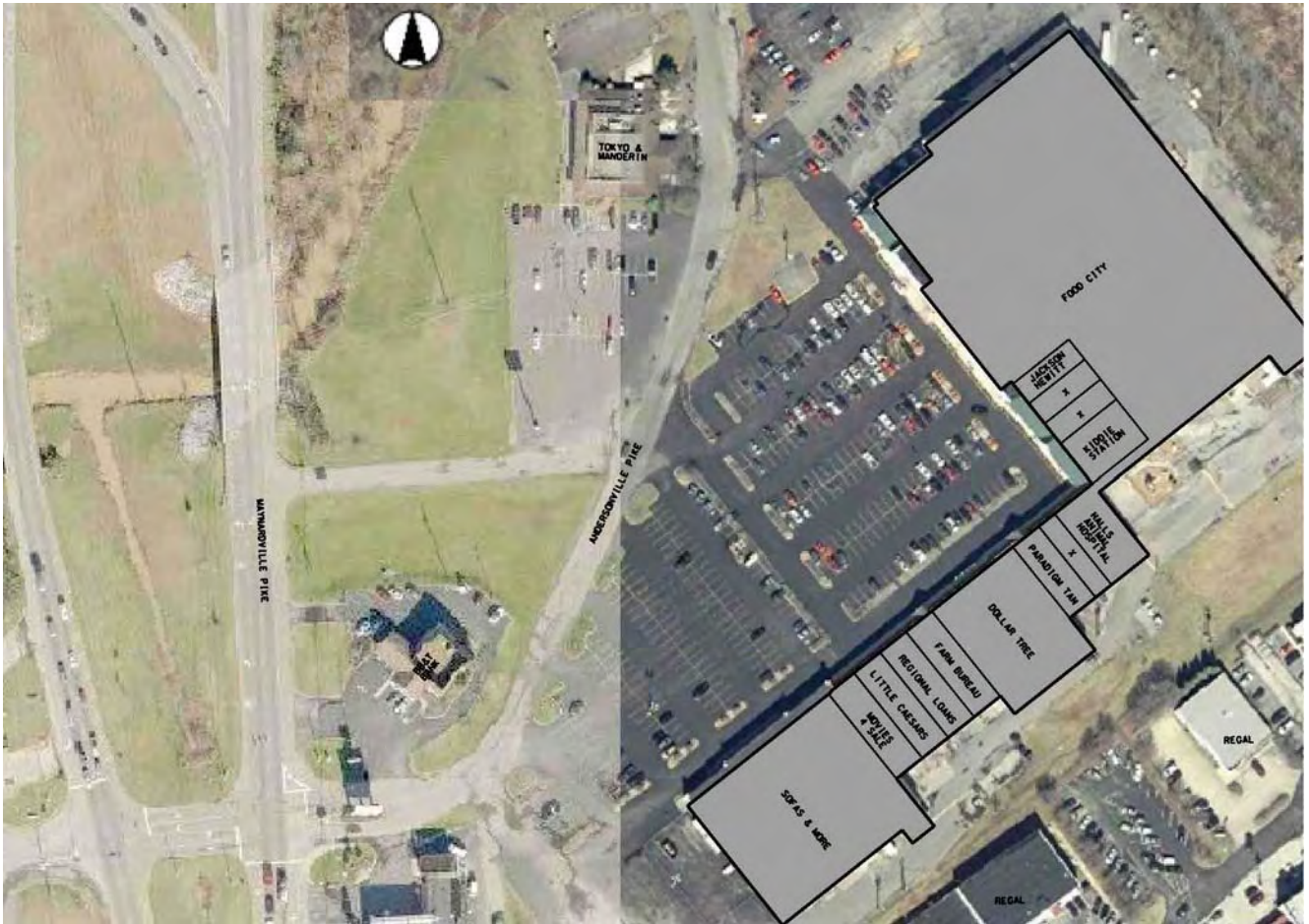


Crossroads Center is located directly across the street (Norris Freeway) from our proposed project. The center is **96% occupied** with 16 stores. The storefronts are moderately visible from the road and are roughly at road grade. The center is not obscured by out parcels and will see an increase in traffic from the Halls Connector project.

Reports of the demise of Crossroads Center have been greatly exaggerated. Wal-Mart had been considering a move to a new center to the west on Norris Freeway, but the site problems with the new center have dissuaded Wal-Mart and they exercised a 5-year extension on their lease at Crossroads Center in January of 2009. In September 2009 Wal-Mart withdrew their building permit for the new store. The Goody's store is currently closed but the space is not considered available yet. A group of investors is re-opening select Goody's locations, and this profitable location has made the cut. The Goody's will be re-opening in late 2009 or early 2010.

US Properties Group (USPG) owns Crossroads Center. According to USPG leasing agents, they have leads on all of their currently vacant space. They are prepared with a list of large-box tenants should the Wal-Mart store actually move in 2014. It should be noted that neither the 136,000 SF Wal-Mart space or the 28,000 SF Goody's space are comparable to anything in our proposed strip center.

## Halls Plaza



Halls Plaza is located on Andersonville Pike about **0.5 miles** form the proposed shopping center. Halls Plaza is 161,100 square feet and is **97% occupied**. There are three empty storefronts in the center.

Halls Plaza is very comparable to the proposed center because it is not obscured by out parcels, it is at road grade, it will see traffic counts increase form the Halls Connector project and because of its close proximity. The layout is effective though it lacks curb parking. The center is well maintained.

While the size of the small shop retail space that is available in the center is comparable to the small shops we are proposing in our center, the site conditions are much different. Notice that the space available is engulfed by the large grocery store and there is no curbside parking to reserve. This means that the small shops are fighting with a huge grocery store for limited convenience parking in the elbow of the center. These limitations within the center make the vacant space less desirable. Notice how the small spaces away from the crowded elbow are all occupied. Our proposed center does not suffer from these design limitations.

## Halls Center



Halls Center is located on Maynardville Pike about **0.6 miles** from the proposed shopping center. Ace Hardware, Goodwill, and Mandarin House currently anchor the center along with a new Hammer's. The center is **100% occupied**.

Halls Center is very comparable to the proposed center because it is located at road grade, is not obscured by out parcels, and has a highly functional layout with curb parking for the smaller shops. The center contains 159,100 square feet.

Halls Center has a highly effective layout and is well maintained. These factors contribute to its 100% occupancy rate.

Nathan W. Silvas, PE  
10065 Westland Drive  
Knoxville, TN 37922  
865.414.0524



## National Fitness Center



The National Fitness Center is **0.72 miles** from the proposed project site and is **96% occupied**. This was formerly the Bi-Lo site and has been vacant for a few years. In August of 2008, the center was purchased by Halls Center, LLC. The owners include National Fitness and the anchor space is earmarked for a new workout facility. According to National Fitness, construction will begin on the new facility in 2010, after they have completed construction of their new Maryville facility. Since the anchor space is spoken for, it is considered occupied for the purposes of this analysis.

The center is fairly comparable to the proposed center because of its close proximity and its level grade at road level with unobstructed view of the highway. However, since it has such a large anchor space relative to the a small amount of shop space, it is only considered to have a medium level of comparability.

## Will's Place



Will's Place is located 0.90 miles to the north of the proposed shopping center. The center contains 14,200 square feet of small shop retail space and is 22% occupied. The small size of the available shop space is comparable to the proposed center. However, Will's Place is considered only moderately comparable to the proposed center because of the defective layout; unrealistically high lease expectations; and inadequate parking.

In the layout of the center, two of the storefronts face the neighboring AutoZone and are barely visible from Maynardville Pike. The only tenant to execute a lease in over a year is Wishbone's. The lunch and dinner crowds at Wishbone's take most of the available parking adjacent to the main structure of the center, forcing potential new tenants' customers to park at AutoZone and walk over. The center should have 71 parking spaces (5 per 1000SF for retail or even more for restaurants). There are only about 50 parking spaces in the center and the alignment of the spaces is awkward and inconvenient for effective egress.

"The Mattress Store" occupied the majority of the center prior to its 2008 renovation. The owner informed us that the rent was raised nearly 300% to \$21.50/SF/yr. This is comparable to the lease expectations at Turkey Creek in west Knoxville. The local market in Halls simply cannot afford this pricing, and the center has not attracted tenants. **This extreme high pricing is a testament to the necessity of additional small shop space in the community.**





## Halls Crossing



Halls Crossing is located on Maynardville Pike about **1 mile** from the proposed center. The center is 70,400 square feet and is 47% occupied. There are 6 vacant storefronts.

The Halls Crossing center is not comparable to the proposed center because it is considerably larger; it is located a mile away and on a different road; and it is not visible from the fronting highway because of out parcel construction and significant grade changes. The center is about 14 feet above Maynardville Pike grade. The vacant storefronts do not have curb parking and the anchors are not significant traffic generators. Almost none of the center is visible from Maynardville Pike. **The Halls Crossing center is in the extended 1-mile trade area, but it is not a reasonable comparison to the proposed center.**

**North Place Center**



North Place Center is located on Maynardville Pike **1.13 miles** to the south of the proposed project. There are 3 empty storefronts and the center is 86% occupied with 8 operating businesses. The distance to, the orientation of, and the age of the center make it only moderately comparable to the proposed center. The center lacks visibility from northbound traffic and has limited visibility from southbound traffic.

There is a vacant structure on the property behind Amber Restaurant. The structure does not have glass storefronts or visibility from Maynardville Pike. It is not a viable retail space for small tenants that would occupy the proposed center. Overall the center is well maintained and clean and architecturally resembles what we are proposing.

### **Reasonable Necessity Summary**

We believe that our center is justified by market conditions, enough so for us to make the enormous financial commitment that we already have to the project and much more to come. Despite the recent sharp downturn in market conditions, **the 3 shopping centers nearest to our proposed center (Crossroads Center, Halls Plaza, and Halls Center) are all between 96% and 100% occupied.** In all 3 centers combined there are only 7 empty storefronts of similar size to what we will be bringing to market and most of those are impaired by their location within the respective centers. **It is our financial commitment on the line and we are comfortable moving forward.**

The preceding analysis is all based on vacancy rates, parking availability, proximity, egress, visibility, and relative size. Despite this empirical analysis of the nearby shopping centers, there does exist another compelling aspect to the ‘reasonable necessity’ argument:

There are no shopping centers in the trade area that have common areas for outdoor dining, outdoor park amenities, or provide access to the Halls Greenway as the proposed center will. What we are proposing does not exist anywhere in Halls.

In that sense, there is no truly comparable shopping center in Halls, so comparing it to the existing shopping centers to determine “necessity” is a false comparison all together.

**Mr. Dan Kelly**  
Knoxville/Knox County  
Metropolitan Planning Commission  
Suite 403 City/County Building  
400 Main Street  
Knoxville, TN 37902

October 30, 2009

**Re: Community Feedback to Halls Park Center Web Presentation**

Mr. Kelly

The attached pages include some of the community feedback to the web presentation describing our proposed project on Norris Freeway. The website address is [www.HallsParkCenter.com](http://www.HallsParkCenter.com).

In total, we received 37 pieces of community feedback from over 1400 page views. Of those 37, 34 (92%) were in favor of the proposal. Please include this letter and the attached responses in the Agenda Package that the MPC staff is preparing for this project.

Regards,

A handwritten signature in black ink, appearing to read 'Nathan W. Silvas', with a stylized flourish at the end.

Nathan W. Silvas  
10065 Westland Drive  
Knoxville, TN 37922  
865.414.0524

**RONALD AND CATHIE BAKER  
ARE IN FAVOR OF THE PROJECT**

RONALD AND CATHIE WRITE: The only knowledge that we had of your shopping center before this presentation was the info from the shopper. After watching your presentation I would have to apologize to you for thinking the shopping center was a bad thing. There are many times when visiting other parks in the area that we would be able to spend more time there but we have to leave to go get something to eat or a drink. Having the shops next to it would be great if people could go eat, get drinks and what goes best with spending time at the park then having ice cream for the family??

I really hope that you get the approval you need for your shops and that the delay is very short!! I did see the opposed person on your site mentioning the abandoned shops across the street...Did we forget about Bert Weaver getting killed on Emory?? Would we want kids trying to cross Norris Freeway to get to the shops?? .. I am very excited about your shopping center, it will be great to go out and eat dinner and take a stroll in the park afterwards! GOOD LUCK!!

**JEAN MOCK  
IS IN FAVOR OF THE PROJECT  
SHE FEELS MISLED BY THE HALLS SHOPPER**

JEAN WRITES: After reviewing the project proposals, I see that everything is in favor of the park. I do not understand why this was not printed in the Halls Shopper for everyone to evaluate prior to their negative article about the possible flooding of certain areas of the park. I do believe that all information should have been made available to the public (in the Halls Shopper article) prior to saying to write and ask for a hearing. I would never have asked for the hearing if this information (the truth about your proposal) had been made public!

**GABE DAVIS  
IS IN FAVOR OF THE PROJECT  
HE FEELS MISLED BY THE HALLS SHOPPER**

GABE WRITES: I believe that this can be an example of how we can protect greenways without hindering economic development. I think the park will increase the business in the shopping center which may give future developers incentive to include park support in their shopping center designs.

**ERIC KEY  
IS IN FAVOR OF THE PROJECT**

ERIC WRITES: This could be a good situation for the government to work with the developers for the greater good of the community; I'm not sure why this would be a bad idea? Families would utilize the park for longer periods of time if there are businesses close by such as dining and retail stores. Families could make a day or afternoon at the park without having to leave for food or drink. Why is this not a "no-brainer" for the politicians, they need to listen to the people. This project will be a wonderful addition for the Halls community.

**JENNIFER BYRGE**

**IS IN FAVOR OF THE PROJECT**

JENNIFER WRITES: I Think it would be great to have the shopping center beside the park as long as the spaces were rented. It seems to be working great for Harvest Park.

**SAMANTHA BARTOLOMEO**

**IS IN FAVOR OF THE PROJECT**

**SHE FEELS MISLED BY THE HALLS SHOPPER**

SAMANTHA WRITES: I think this is a wonderful idea. Halls is a wonderful little community but there isn't much here. I feel that the park AND shopping center would work great TOGETHER to get things going for Halls. I have 2 young children and my husband and I take them out to other places to enjoy the park and shopping since there really isn't much of it here in Halls. For example- taking them to Fountain City Park then walking over to The Creamery or Baskin Robins for ice cream. I feel that Halls is losing extreme amounts of money to neighboring communities due to the lack of opportunity such as this. I agree that this is a wonderful thing to make available to everyone here in the Halls community!

**JONIE BROOKS**

**IS IN FAVOR OF THE PROJECT**

JONIE WRITES: I have only lived in Halls for 3 years and the only problem I have with the community is the lack of parks. I would love to be able to stay in Halls with my young daughter instead of going to Fountain City. Prior to visiting your site today, I was under the impression that the shopping center was holding up the park. I didn't realize that local political B.S. was holding up this wonderful addition to our community. I love the design of your shopping center and I love the idea of being able to access the shopping center from the park. I just wish more developers were as environmentally aware as you are. Thank you for all you are trying to do for our community. I will spread the word far and wide about the real truth about this project.

**DAVID WATKIN**

**IS IN FAVOR OF THE PROJECT**

DAVID WRITES: I think your ideas are great. We should take advantage of your plans. I do not understand the reasoning of the local government. It seems like you have thought about most all concerns. I was wondering if it would be nice or possible to have a similar "Duck Pond" that's at Fountain City Park?

**RANDY GRIMM**

**IS IN FAVOR OF THE PROJECT**

RANDY WRITES: As long as there are laws about what type of stores can be bedside a park (no adult book stores or liquor stores). I will make sure I do my part and vote against a socialist hack like Larry Smith.

**SANDRA COMELLA**  
**IS IN FAVOR OF THE PROJECT**

SANDRA WRITES: It is a nice combination. Move on it. We need the Park and the fact we would stimulate the economy is a plus. Halls is in need of progression, allow that to happen. I think the idea is wonderful. My personal opinion is that since I have moved here from Pa. I am seeing everything progressing to the West side of town. Lets get Halls moving and place some new restaurants.-new Walmart-Lowes- and new shopping centers. Lets make this town grow. We need it and we will help stimulate the economy.

**MARY LOU SCHMID**  
**IS IN FAVOR OF THE PROJECT**

MARY LOU WRITES: I would like to hear what Larry Smith and others, opposed to this idea, are suggesting as a plan.

**CHRIS BRUMMERSTEDT**  
**IS IN FAVOR OF THE PROJECT**  
**HE FEELS MISLED BY THE HALLS SHOPPER**

CHRIS WRITES: I have lived in halls for 23years of my life. It would be great to have a new park in halls that (everyone) can use with baseball fields, football/soccer fields, picnic areas...etc, the shopping center would be a wonderful idea and an asset to the park with access to the new park and existing park plus other shopping centers and the library with the shopping center next to the park everyone could shop get groceries / food for a picnic and head over to the park. I love the plans and I will do anything and everything to help you with getting this approved, i will make petition papers and get everyone in halls to sign it and take it down to the city/county building. I will help upkeep the park as well (mowing).

**MARK LASTER**  
**IS IN FAVOR OF THE PROJECT**  
**HE FEELS MISLED BY THE HALLS SHOPPER**

MARK WRITES: As a former Halls resident I think it's a crying shame that someone like that (Smith) got elected to begin with!!! I say we get him out and get someone in that thinks in a positive and creative way. It sounds like he's stuck in the 60's I wonder if he lived in a commune???

**TANYA HENSLEY**  
**IS IN FAVOR OF THE PROJECT**

TANYA WRITES: This is a great proposal. This will be a great park and great addition to Halls if it ever is completed. Good work!

**DOUG STOOKSBURY**  
**IS IN FAVOR OF THE PROJECT**

DOUG WRITES: People who oppose having the shopping center do not truly understand the enjoyment of greenways. We are a bike-riding family. We regularly ride the Third Creek greenway. We park on Southerland Avenue to begin our ride. There is nothing more enjoyable than riding down to Calhoun's on a safe greenway to have lunch on a



beautiful Saturday, and then riding back. Of course, there are the added bonuses of the parks along the way. Getting out on a greenway is a great family activity. There has to be a variety of activities though, and shopping and dining have a positive impact on this activity. In my opinion, the plan promoted at this web site is fair, practical, and an added benefit to our community.

**SKIP SUMMERS**

**IS IN FAVOR OF THE PROJECT**

**HE FEELS MISLED BY THE HALLS SHOPPER**

SKIP WRITES: In my opinion the Halls Shopper is a political rag! They publish what they want the people of Halls to read. I think there is a good plan in place for the park and shopping center. I dont think the shopper or Larry smith should stick their nose in something that the people of Halls cleary want.

**MICHELE BATES**

**IS IN FAVOR OF THE PROJECT**

MICHELE WRITES: I believe the shopping plaza has enough green space to divide the park from your project. I am not sure why Larry Smith would want to axe this project, it seems like a great idea. We have plenty of room for a park and families to finally have a spot to gather. Please get this project going so we can all benefit. Quit arguing as most politicians do and do the right thing. If I haven't heard the Whole Story then I'm sorry if I offended anyone. Let's Get IT DONE for the People! ! !

**HOWARD GARCIA**

**IS IN FAVOR OF THE PROJECT**

**HE FEELS MISLED BY THE HALLS SHOPPER**

HOWARD WRITES: I truly do not understand why this would not be suitable. It sounds like a great addition to halls.

**CLINT SCHRIMPSHER**

**IS IN FAVOR OF THE PROJECT**

CLINT WRITES: Quit beating around the bush and build the park and shops, in these times we need to do anything we can to boost our economy, so don't let the ignorance of one ruin it for all.

**JAMES BELLAMY**

**IS IN FAVOR OF THE PROJECT**

**HE FEELS MISLED BY THE HALLS SHOPPER**

JAMES WRITES: I am a Halls resident and voted for Larry Smith as a Republican, now I am very angry and disappointed with who he is and what I have seen him become. I will not be voting for him again! I am not for crooked politics or socialism. I have followed the park project and the shopping plaza proposal from the start and I know for a fact that the developer tried to cooperate and reconfigure the site design to work with the Legacy Parks Foundation. I have followed this project to the MPC Meetings, BZA meetings, meetings at the Halls Senior Center as well as other meetings to see how the developer has been made out to be the bad guy. The developer has not even been given a fair

platform to present the truth or defend the allegations made against the project development. The donations given to the park by the developer far exceed any others but are never discussed. The Halls Shopper seems to take sides with crooked politics and calls that fair media?? I don't know about you but I don't intend to let the Halls Shopper nor Larry Smith set forth his thoughts as to speak for me as to what's best for Halls! How much longer will the truth be covered up? How much longer will people let the Halls Shopper and Larry Smith destroy a great thing for Halls?

**JASON KISER**

**IS IN FAVOR OF THE PROJECT**

JASON WRITES: I feel as if the revised plans for the new park accommodate all persons involved. As a dog owner, I frequent Halls Greenway and find it to be a great way to get exercise for myself and my dogs. After viewing the presentation I do not feel the shops will detract from the overall enjoyment of the park atmosphere, in fact I feel as if it would add to it. There have been many occasions where my visit to Halls Greenway was cut short due to the lack of available refreshments needed for a stay longer than an hour or so. The creek separating Food City and the track contains suds in certain areas I feel may be unsafe for my dogs to consume. Of course this is a somewhat minor issue that may only apply to a small percentage of current park users. However, a connected park with a small shopping center that can be utilized or easily avoided is a great option for those who feel Halls Greenway is lacking a certain something. If the shopping center wasn't separated from the park by a very thick tree line, I could understand the concern that the shops could be a potential eyesore. If the new shops resemble those of Turkey Creek (like Wishbones down the street) I could see this making Halls a much more desirable area of Knox County, thus potentially increasing all surrounding residential home values. If I, as a citizen can be of any assistance in furthering this project, please let me know. Thank you for all that you are doing. Jason Kiser

**ALAN SUMMERS**

**IS IN FAVOR OF THE PROJECT**

ALAN WRITES: I have to admit that I was originally opposed to your development. But, after reviewing your website and learning more information I think your development would be a good addition to Halls. I do like the Halls Shopper newspaper, and will continue to like it. They were very helpful in my fight against the Tax Increment Financing for Graham's Lowe's development, which is now another failed development in Halls. And they continue to be one of the few that will actually publish our problems with our corrupt county mayor. I certainly hope that you do not plan on trying to use Knox county's TIF program for some financing of this project, retail should never qualify for a TIF. I wonder if you are just not one of Larry Smith and Scott Moore's "favorite" developers, if you know what I mean? That is why they oppose you so much. Because we both know Moore and Smith were not against Graham's Lowe's project. I wish you good luck on your appeal, and hopefully we can get a great new restaurant in there with the other shops!

**BEN AND ASHLEY BURNETTE  
ARE IN FAVOR OF THE PROJECT  
THEY FEEL MISLED BY THE HALLS SHOPPER**

**BEN AND ASHLEY WRITE:** My wife and I often go to Fountain City, eat at the Creamery restaurant, and walk around the Fountain City Park. We recently had a baby and would love to have the same experiences closer to home. Both grandparents live in Halls and we would be able to hang out at the park together, have dates, or even parties at the park. Furthermore, Halls has a very limited amount of “nice” restaurants. It would be nice to compete with the newer commercial properties in Fountain City and Powell that offer Sushi, Coffee shops, Ice Cream parlors, and table service restaurants of which Halls currently has none. I am very upset that a park is more important than Halls' economy. I do not understand why a property developer that has the best interest of the community at heart is being bashed when a major corporation (Wal-Mart) destroys acres of property and then backs out of the development, leaving the property desolate! At least this property benefits all and will be a beautiful addition to our community.

**KNOX WILLIAMS  
IS IN FAVOR OF THE PROJECT**

**KNOX WRITES:** Mr. Smith needs to allow for growth in the Halls community from those other than his “friends”. Halls is in current need of attractive, affordable commercial property. This project might inspire other property owners to modernize their current property or even lower the expected rental income of the vacant spaces in Halls. Our political representatives need to start thinking of ways to improve our community through the use of in-kind gifts, new jobs, and new taxes not just increasing and wasteful spending of our current tax dollars. It appears that Mr. Smith is still on the “Good ole' boy” system and may not have the future of Halls at heart. I would like to see the developer and Mr. Smith schedule a public meeting in Halls in order to here what “all” the people in the Halls community are thinking. The park is a great idea and needs to move forward. The development may not be the ideal situation for the park but it appears the developer has made several concessions and he does own the land that is needed to gain access to the park. It is also apparent that he is willing to share a considerable amount of the park project expense not to mention his project was in the works before the park. One more note, Commissioner Carringer should also be invited to the meeting; after all thankfully we have two representatives. May God Bless our country, community, and leaders..

**CHUCK McCALLISTER  
IS IN FAVOR OF THE PROJECT  
HE FEELS MISLED BY THE HALLS SHOPPER**

**CHUCK WRITES:** Thank you for taking the time to present the true facts concerning this project so articulately. Now that the true facts have been presented it seems obvious to me that reasonable folks would view your project favorably. I keep busy with my family, church, and community and have never gotten involved with local politics. Having heard your story, however, I am sickened that Larry Smith, and others, in Halls would behave and represent their constituents as they have in this matter. Larry Smith may very well be a nice guy, but his actions in this matter cause me to suspect his motives, to question his

decision-making, and to lose respect for him and his office. I have heard it said, “Halls has it”. Well, “Halls does not have it” when it comes to the unfair, biased, and compromised representation that Larry Smith is provided his constituency in regard to this matter.

**JIM MOORE**

**IS IN FAVOR OF THE PROJECT**

**HE FEELS MISLED BY THE HALLS SHOPPER**

**JIM WRITES:** Thanks for getting this informative presentation together and your efforts to improve our community.

**From:** Dan Kelly  
**To:** Betty Jo Mahan  
**Date:** 11/3/2009 7:33:52 AM  
**Subject:** re; 11-C-09-UR Fwd: Halls Park Center - TDOT / Wilbursmith

>>> Nathan Silvus <nathan@silvus.us> 11/01 6:27 PM >>>  
Dan,

I discussed our conversation Re: access to Norris Freeway with Amanda Snowden on Friday at about 4 pm. She reiterated that TDOT is honoring our access rights and is granting a new access for the park. I made sure that Wilbur Smith and Associates was aware of the new park entrance and assured me that there wouldnt be a conflict (400 or 650 feet away). The letter form Wilbur Smith is attached. I do not have an e-mail for Nathan Benditz, can you please forward this message to him.

Thanks, Nathan