

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

▶ **FILE #:** 6-C-10-RZ **AGENDA ITEM #** 21
 11-A-10-SP **AGENDA DATE:** 11/10/2010

▶ **APPLICANT:** KNOX COUNTY COMMISSION AND CGK, INC.
 OWNER(S): MCKENRY JOE L & DORTHY

TAX ID NUMBER: 143 127 EAST PORTION ONLY
 JURISDICTION: Commission District 5

▶ **LOCATION:** Southeast side Fox Rd., northeast of Canton Hollow Rd.

▶ **TRACT INFORMATION:** 3 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Fox Rd., a major collector street with 18' of pavement width within 100' of railroad and street right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Sinking Creek

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

▶ **PROPOSED PLAN DESIGNATION/ZONING:** RC (Rural Commercial) / CR (Rural Commercial)

▶ **EXISTING LAND USE:** Vacant land and house

▶ **PROPOSED USE:** Restaurant and marine rentals

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: MPC denied this sector plan amendment by CGK, Inc. on July 8, 2010 (6-A-10-SP).

SURROUNDING LAND USE, PLAN DESIGNATION,

North: Fox Rd. - railroad tracks, residences / LDR / RA (Low Density Residential)

ZONING

South: Water / STPA / F (Floodway)

East: Fox Rd. Marina / LDR / A (Agricultural)

West: Water and residence / LDR / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed primarily with residences under A, RA, PR and RB zoning. There is a church nearby and Fox Rd. marina is adjacent to the east, zoned A.

STAFF RECOMMENDATION:

▶ **DENY RC (Rural Commercial) sector plan designation.**

The site does not meet any of the criteria of the Knoxville-Knox County General Plan 2032 for changes of

conditions warranting amendment of the land use plan. The request is a spot sector plan amendment.

► **DENY CR (Rural Commercial) zoning.**

Approval of CR for this site would be a spot rezoning. The site is not located directly on an intersection of collector or arterial streets. The intersection to the west of Fox Rd. and Canton Hollow Rd. could qualify, but it is 350 feet away, is more of a 90 degree turn of a road and name change, and has an ungated railroad crossing just north of the intersection. The traffic from the marina is problematic already, with trailered boats entering and exiting the marina site on an 18 foot wide road. Approval of this request would add more vehicles trips to Fox Rd. and exacerbate the problem.

COMMENTS:

These requests are the same that were denied unanimously by MPC on July 8, 2010. The original applications were filed by CGK, Inc. under MPC file numbers of 6-C-10-RZ and 6-A-10-SP. After the applications were denied by MPC, the applicant appealed the decision to the Knox County Commission. On September 27, 2010, after considering the rezoning appeal, referred the rezoning application by CGK, Inc. back to MPC and initiated a new sector plan application with the Knox County Commission as the applicant (11-A-10-SP). Regardless of MPC's recommendation decision, these two applications will be forwarded to Knox County Commission for their consideration on December 20, 2010. At that time, the County Commission will be able to consider and take action on both the rezoning and sector plan requests. County Commission may only amend the sector plan if the application is initiated by them, which is now the case.

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No road or utility improvements have been made recently in the area.

ERROR OR OMISSION IN CURRENT PLAN:

The plan appropriately calls for LDR development at this location, consistent with the surrounding zoning.

Approval of RC uses for this site would be a spot sector plan amendment.

CHANGES IN GOVERNMENT POLICY:

No changes have occurred that warrant this sector plan change.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

No changes have occurred that warrant this sector plan change.

REZONING REQUIREMENTS:

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

1. There have been no substantially changed conditions in this area that would warrant a plan or zoning change for this property. The roads are not wide enough to properly handle the traffic already generated by the marina next door. Rezoning this property to commercial would only exacerbate the problem. The marina has been in place for many years, and its site is zoned Ag. A marina and its accessory uses are uses permitted on review in the Agricultural zone. The applicant has been advised to look into some kind of partnership with the marina in order to conduct his proposed operations under the Agricultural zoning, with an application for use on review development plan approval. The two properties would need to be combined in order to consider a use on review for these new uses as accessory uses to the marina.
2. A rezoning of this site to CR constitutes a spot zoning, giving this applicant the right to use the property for uses not available to neighboring property owners.
3. CR zoning would allow uses that could have a negative impact on both the street system, as well as residential neighbors in the area. If this site is to be developed with commercial uses, it should be proposed as an overall development plan that combines the property with the adjacent Fox Rd. Marina property to the east. A use on review development plan could be considered by MPC for the entire site. This would give staff the opportunity to review a plan and recommend plan revisions/additions to maximize compatibility, safety and efficiency. Staff could also recommend conditions, such as limited hours of operation, reduced lighting, limited access points or landscape buffering. The use on review process also provides the opportunity for public comment at the MPC public meeting. This is not to be construed to mean that staff will necessarily support a use on review request, but it could allow the applicant's proposed use to be considered without requiring a rezoning of the property.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CR zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal

service needs of nearby residential areas. This zoning should be placed at or near intersections of arterial and/or collector streets in order to maximize accessibility from surrounding areas. The range of permitted uses are limited to those that are generally patronized on a frequent basis by area residents. Development performance standards are provided to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.

2. If the site is approved for the requested CR zoning, staff believes that it could lead to future requests for non-residential zoning in the surrounding area, especially on properties with lake frontage, including those located to the west.

3. The development criteria contained within the CR zone are essential to minimize the impacts to adjacent residential uses and lead 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 CR zone.

THE EFFECTS OF THIS PROPOSAL

1. Public water is available to the site. Sewer utilities are available in the general area, but may have to be extended to serve this site.

2. The proposal would have no impact on schools. Depending on how the property were developed, the street could be negatively impacted with additional traffic generated from a commercial use.

3. Commercial uses can have detrimental impacts on residential properties with the potential for increased noise, lighting, signage and traffic.

4. If these requests were to be approved, the applicant should be expected to share in the costs of any road improvements required by Knox County to address traffic concerns related to this site.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan's proposal for low density residential uses is appropriate for this site. The Plan should not be amended to allow rural commercial development at this location. The proposal does not meet any of the general plan criteria regarding changes of conditions warranting amendment of the land use plan.

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

3. Allowing rural commercial use of the subject property could lead to future similar requests in the area, especially on waterfront 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 Knox County Commission for action on 12/20/2010. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.

If MPC is inclined to approve the requests, staff is providing the following alternate recommendations for the two applications.

Alternate recommendation for Knox County Commission sector plan amendment application (11-A-10-SP)

ADOPT RESOLUTION #11-A-10-SP, amending the Southwest County Sector Plan to RC (Rural Commercial) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)

Alternate recommendation for CGK, Inc. rezoning application (6-C-10-RZ)

APPROVE CR (Rural Commercial) zoning, subject to the following two conditions.

1. A development plan must be approved by MPC prior to development of the property, including clearing and grading.
2. A traffic study must be submitted for review along with the above required development plan.

**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**, Knox County Commission, has submitted an application to amend the Sector Plan from Low Density Residential to Rural Commercial for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised 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 November 10, 2010, 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 #11-A-10-SP.

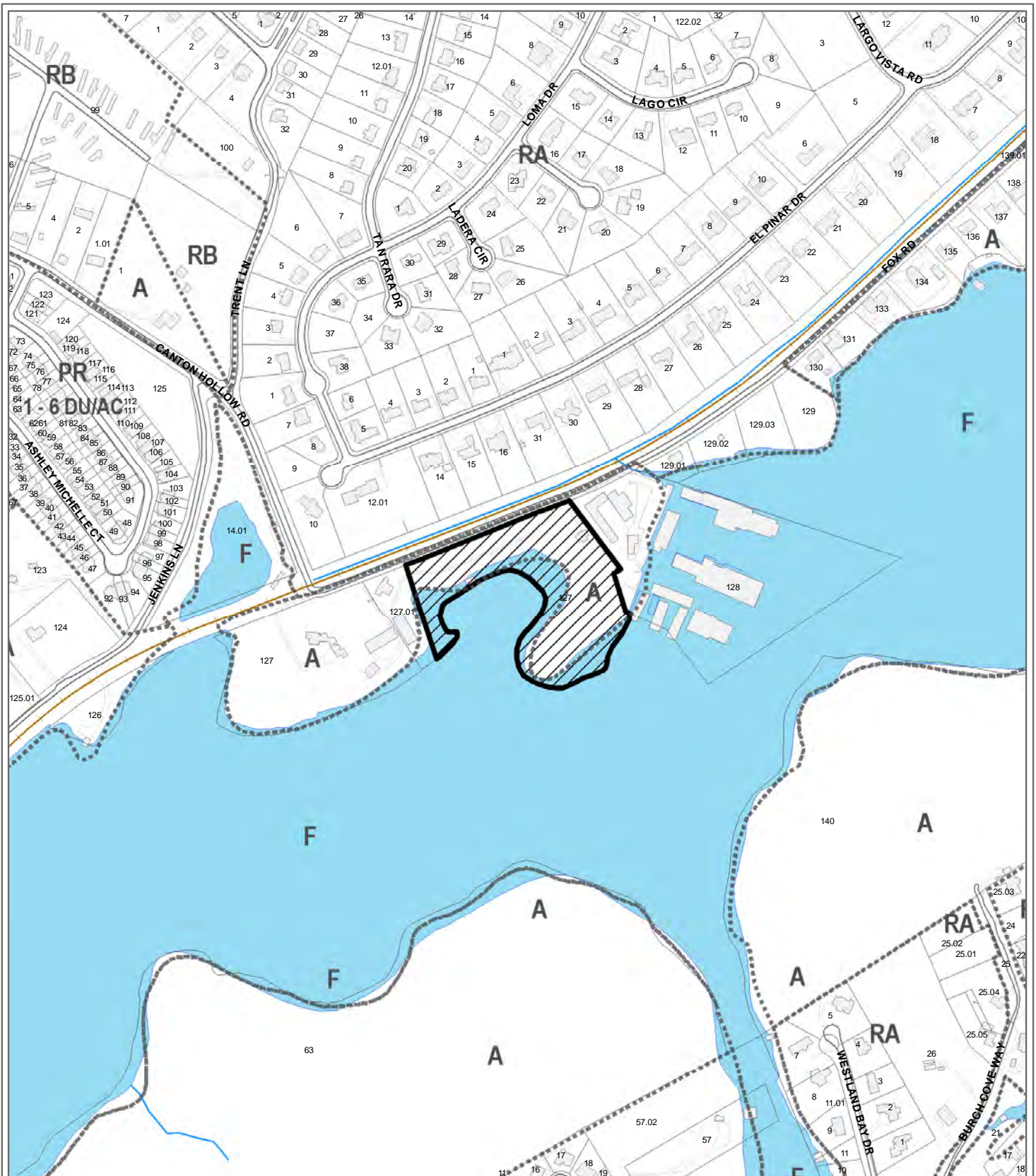
SECTION 2: This Resolution shall take effect upon its approval.

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

Date

Chairman

Secretary



**11-A-10-SP
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

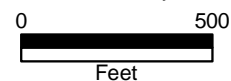
From: LDR (Low Density Residential)
To: RC (Rural Commercial)

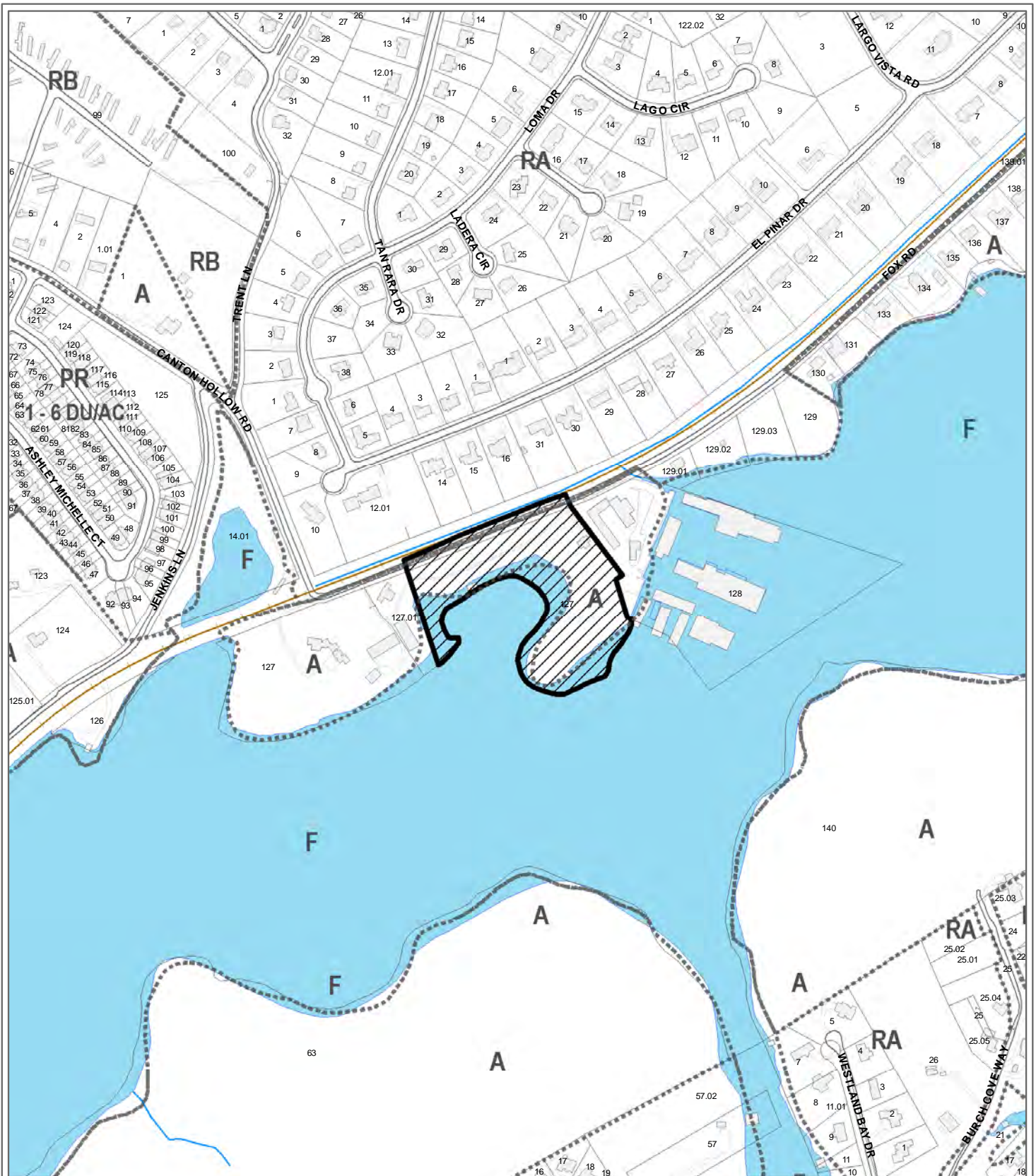


Petitioner: Knox County Commission

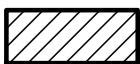
Map No: 143
Jurisdiction: County

Original Print Date: 10/26/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





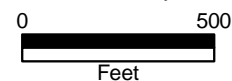
**6-C-10-RZ
REZONING**



From: A (Agricultural)
To: CR (Rural Commercial)

Petitioner: CGK, Inc.

Map No: 143
Jurisdiction: County



Original Print Date: 5/20/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

KNOXVILLE-KNOX COUNTY
M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N
T E N N E S S E E

APPEAL OF DECISION

(Please Note: Original application and staff report are made a part of this application.)

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

Type: One Year Plan Amendment Sector Plan Amendment Rezoning Variance
 Use on Review Street Name Change Right-of-Way Closure
 Certificate of Appropriateness Other: _____

Decision by: MPC BZA Other: _____ Date of Decision: 7/8/10

Jurisdiction: City _____ Councilmanic District County 5 Commission District

Original Applicant Name: CGK, INC Original File Number: 6-C-10022

Name of Owner of Subject Property: CHAD KENNEDY

Description of Subject Property (Include city block and parcel number or lot number): MAP 143 PARCEL 127
SOUTHEAST SIDE OF FOX RD, NORTHWEST OF CANTON NARROW RD,

Zoning map of all property within 300 feet of the subject property is attached.

DECISION BEING APPEALED

REPEAL OF REZONING & SECTOR PLAN AMENDMENT
IC (RURAL COMMERCIAL) AND STP (STREAM PROTECTION AREA)
FOR CENTRAL COMMERCIAL

REASON FOR THE APPEAL

Attach additional pages, if necessary. PETITIONER REQUESTS THAT COUNTY
COMMISSION REQUEST SECTOR PLAN AMENDMENT AND
REZONING APPLICABLE FOR A NEW RESTAURANT FACILITY
FOR RESTAURANT & CATERING FACILITY ADJACENT TO
FOX RD. MARINA

PETITIONER INFORMATION

Name of Petitioner: CGK, INC - CHAD KENNEDY

Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner): _____

Application Authorization: I hereby certify that I am the applicant/authorized representative for the above named petitioner.

Signature: [Signature]

All correspondence should be sent to: Name (Print): ARTHUR G SWEENEY, JR

A.O. Box 39; KNOXVILLE, TN 37901
Street Address City State Zip

Phone: 546-9321 Fax: 632-5249 E-mail: ASWEENEY@BUSLAW.COM

For MPC Staff Use Only

Application Accepted by MPC Staff Member: Brusseau

Appeal Fee Amount: \$500 Date Appeal Received: 7/29/10

BODY WHO WILL HEAR THE APPEAL & MEETING DATE OF THE APPEAL

<input type="checkbox"/> City Council - 7 p.m.	<input checked="" type="checkbox"/> County Commission - 6 p.m.	<input type="checkbox"/> City BZA - 4 p.m.	<input type="checkbox"/> MPC - 1:30 p.m.
_____	<u>Sept. 27, 2010</u>	_____	_____
Month • Date • Year	Month • Date • Year	Month • Date • Year	Month • Date • Year

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/3/2010 2:46:07 PM
Subject: Fwd: File # 11-A-10-SP, location "1104 Fox Road"

Re: Item 21

>>> Bruce Smythe <sabsap6@msn.com> 11/3/2010 2:21 PM >>>

Dear Mr. Brusseau,

I am writing regarding the consideration by the MPC of the Re-Zoning of the land at 1104 Fox Rd. to Rural Commercial for the purpose of building a Restuarant/Bar. I live at 10025 El Pinar Drive, which is in the Tan Rara subdivion just off Fox Rd. Almost all of our travel is West and North to the Post Office, businesses, grocery stores, restaurants, visit friends in the Turkey Creek, Farragut areas. We have a choice when we exit out of Tan Rara: (1) Go North on Fox Rd. to Kingston Pike then go West (2) Go South on Fox Rd, then turn right, parallel the railroad tracks until we are forced to turn right across the railroad tracks on to Canton Hollow on to Lovell Rd or through other back roads. The shortest, fastest and most convenient route is South on Fox Rd along the railroad tracks on Canton Hollow, etc. BUT also this is the most DANGEROUS route as well, and because of that we often do not go that way. Fox Rd by the railroad track where 1104 Fox Rd is located is very, very narrow with absolutely no shoulders and simply little or no margin for error. I am a highly experienced, confident and very safe "defensive" driver of 45 years with essentially no traffic violations or accidents , and frankly I often take the longer, much more congested route North to Kingston Pike to go West because of the danger of Fox Rd by the Marina and railroad tracks. Almost all of my wife's shopping for groceries, general merchandise and the Post Office are much more convenient via the Southern Fox Rd route, but because I love and value my wife, without fail I urge my wife to take extreme caution when traveling the route by 1104 Fox Rd., and usually request her to take the longer route. Besides the danger of Fox Rd in general, a special danger and congestion point is the 90 degree right turn curve from Fox Rd, across the railroad tracks with the road continuing as Canton Hollow. It is literally 90 degrees!

So, when I heard about the possibility of a restaurant being located on the land at 1104 Fox Rd., I could not believe it! The congestion, added traffic, likely higher speed drivers, potential alcohol with a restaurant, etc. would make this a magnet for accidents. Increasing the traffic and congestion at 1104 Fox Rd could likely spell the end of us using this route when a restaurant would be in operation. This is the wrong location of additional higher traffic-based business, especially a restaurant that would be open at night.

I urge the MPC to deny the rezoning of this land to Rural Commercial and in particular a restaurant.

Thank you for your consideration.

Sincerely,

Bruce and Patricia Smythe
10025 El Pinar Drive
865-437-9968

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/3/2010 2:45:45 PM
Subject: Fwd: MPC REVIEW OF FILE #"11-A-10-SP"

Re: item 21

>>> HAROLD <hgmc12@charter.net> 11/3/2010 2:19 PM >>>

TO: Mr. Michael Brusseau

MPC REVIEW OF FILE #11-A10-SP", LOCATION "1104 FOX ROAD"

I have been a resident of the TAN RARA OESTE residential sub-division since 1973 and have seen several changes over this period of time. These changes include:

1. Increased traffic on Fox Road is very noticeable from where I live on El Pinar Drive. The increased traffic has increased the noise level on my side of the sub-division.
2. Narrowness of Fox Road and the soft shoulders have increased the hazard of driving on this road.

The building of a Restaurant/Bar at this location will further increase traffic and the noise level on Fox Road.

A Restaurant/Bar at 1104 FOX ROAD will reduce the value of property in the TAN RARA OESTE Residential sub-division and add to the noise level in the area.

PLEASE VOTE "NO" ON THE REQUEST TO RE-ZONE THE PROPERTY AT 1104 FOX ROAD CR(RURAL COMMERCIAL).

HAROLD G. McLEOD
10020 EL PINAR DRIVE
TELEPHONE 966-5061

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/3/2010 7:58:52 AM
Subject: Fwd: File # 11-A-10-SP

Re: Item 21

>>> "Cabot Longnecker" <cabot@thelongneckergroup.com> 11/2/2010 10:30 AM >>>
Mike,

A quick note on the proposed building of a restaurant on Fox Road. I am letting you know I do not support this initiative as the road is too small as is and would potentially be a safety issue. The volume of traffic would increase and make it unsafe I feel.

Thanks.

Cabot Longnecker

2009 Partridge Run Lane

Knoxville, TN 37919

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/3/2010 8:01:38 AM
Subject: Fwd: Re: #"11-A-10-SP" Loc. 1104 Fox Road

Re: Item 21

>>> <jdawson43@charter.net> 11/1/2010 9:33 PM >>>

Mr. Brusseau and Commissioners

As a resident of Tan Rara at 705 Lago Circle, We would like to make known our serious concerns regarding the proposed Restaurant/Bar at 1104 Fox Road. It would become much more hazardous for traveling what I consider an already dangerous road. Fox road is very narrow and carries a high volume of traffic daily to many surrounding neighborhoods. There is a railroad crossing in very close proximity to the proposed establishment. The addition of a commercial drive with incoming and outgoing traffic flow seems to be a very dangerous proposal. We also feel that the noise and outdoor lighting of a restaurant/bar would have a negative effect on the peaceful and family oriented atmosphere of our neighborhood. We would kindly and respectfully ask that our concerns be taken into consideration. Please understand that we are a neighborhood of families with concerns for everyone in Knoxville's safety and well being.

Thank you

James and Janie Dawson
705 Lago Circle
Knoxville, TN 37922

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/3/2010 8:00:47 AM
Subject: Fwd: 1104 Fox Rd. Restaurant/Bar

Re: Item 21

>>> "J.W. Hankins" <jconst03@yahoo.com> 11/2/2010 9:54 AM >>>

Mr. Brusseau: Having lived in Tan Rara for 34 years and traveled Fox Rd. on a regular basis and having to deal with traffic and noise that are currently generated by Fox Road Boat Dock, it is beyond my comprehension that MPC would consider adding a business that would generate more traffic. Have they considered that the train crosses within just yards or where this business will be? Are they seriously going to mix alcohol and an unguarded RR crossing? Please do not allow this to happen.
Thank you, Elaine R. Brown

From: Sarah Powell
To: Betty Jo Mahan
Date: 9/28/2010 12:48:14 PM
Subject: Fwd: RE: Appeal for MPC to change zoning for Fox Road

>>> preston Spalding <pspaldog@gmail.com> 9/28/2010 11:57 AM >>>
To the Members of the Knox County MPC:

My name is Lori Spalding and I live at 10217 El Pinar Drive, Knoxville, TN 37922. I have lived in Knoxville and my home for 18 years. My husband and I have 4 children and respect the MPC and the respect the ruling that you made (13-0) regarding the rezoning of this area. It is obvious from your vote that you to have traveled, studied and know the hazards of this road. Unfortunately, there are some that do not agree nor support the MPC and your suggestions.

As I'm sure you are already aware, this issue will be placed back in your hands for yet another decision. I hope that you will continue to put the safety of the children, drivers and home owners in this area first when voting again on this. I travel this road everyday, at least 4 times, taking my children to school, dropping off, picking up from practice. I'm sure you have the same routine with your families; therefore, like me, you know the areas around your homes just as well. I am not sure of the dimensions of this road, but when I drive and have to pass a bus, or a large truck, I instinctively squeeze in. Praying that he nor I hit each other. I know that I am not an engineer, I'm just a Mom who logically knows that opening a 200 seat (or for that matter 10 seat) restaurant would make this area a complete disaster for the marina, residents, bus drivers, walkers, joggers, bikers, new drivers, old drivers and even wild life. The only person that will benefit from this would be the developer. I am glad he is successful and I love to eat out all the time, but do we open a business in an area that would put additional traffic on a road that cannot withstand it. This road cannot be widened. Immediately before this property, are 2 small hills, when I drive over these hills I cannot see what's coming up until I reach the top. When I was on one of my trips to FHS last week, I was coming over the hill when someone was coming out of that property and I almost hit them. I wasn't speeding and he wasn't at fault he was just coming out and I was driving.

Some of the Commissioners who voted that questioned whether the MPC made the correct decision stated that there are roads by their homes that have single lane bridges and have convenience stores on them. My response would be that I agree that there are roads that are narrower, but we wouldn't add a restaurant to this road now.

This decision is so not about money, it has to be about safety of those who live on this road, who put their children on buses who drive on that road. I know he said that his hours of operation would not be during school hours, but I think that he obviously doesn't have children in school and more thought needs to be put into that answer. When the venders have to deliver, it will be during bus pick up and drop off. I wonder what the width of a Knox Co. bus is from mirror to mirror and what a vendor truck is? I would bet there would be some issues. Also, what about half days, snow days, head start and pre-school schedules or the special buses that do not adhere to the "normal" hours of school.

I would not say a word if there were not major issues that some are trying to "icing over", but the MPC is putting safety on a back burner and I know that your Commission does not make decisions lightly. I hope that your representative will relay to you some of the comments made regarding your decision made in 2006 regarding businesses in this area and the recent vote regarding this specific area. I know that you are supported by every subdivision in this area for voting this rezoning down.

The developer also made reference to the loud noise of the train and how much louder it is then the restaurant would be and the traffic from the marina being an issue. My only comment to that is that everyone along Fox Road and Canton Hollow purchased their home with the knowledge of both of these, whereas, adding a restaurant and more traffic to that road is like changing the rules in the middle of the game. Again, it was suggested that other subdivisions (i.e. Sequoia) would not like a restaurant being

built in the middle of it. Mr. Seymour stated there is a restaurant and gas station in the middle of Sequoia, again, the residents purchased their homes with the knowledge of it being there. No one would ever suggest building a 200 seat restaurant where those businesses exist. I think fairness needs to be considered to the residents who live along this road and surrounding it.

I know this is very wordy and I apologize, but I cannot sit quietly when the MPC's decisions based on fairness and safety get trashed. I have always felt that the MPC protects the citizens safety first!

Again, thank you for your first denial of the re-zoning change for this property and I pray you vote this down again for everyone involved. My husband is a physician and held a young man's arm together and was the first responder to what could have been his last day earth because he wrecked on this property. His car went West his tires in the lake and he towards the marina. Yes, he was speeding trying to get his date on time, but he slipped off the lip of the road, over corrected hit the telephone pole on this property. If there was a parking lot or business there I would imagine the end result would have been worse. He was just a teen, like many of the drivers on that road. That's the image I have in my mind, not money, not noise, not property value....just common sense and his life.

Thank you for your time and consideration,

Sincerely,

Lori Spalding
661-1980

6-C-10-RZ



Wednesday, September 29, 2010

Knox County Commission
Chairman Mike Hammond
Vice Chairman Brad Anders
Richard Briggs
Mike Brown
Amy Broyles
Sam McKenzie
Tony Norman
Jeff Ownby
Ed Shouse
Larry Smith
Dave Wright

Knoxville – Knox County Metropolitan Planning Commission
Chairman Robert Anders
Vice Chairman Rebecca Longmire
Ursula Bailey
Bart Carey
Art Clancy III
Laura Cole
Rachel Craig
George Ewart
Stan Johnson
Michael Kane
Nate Kelly
Robert Lobetti
Brian Pierce
Jack Sharp
Wes Stowers, Jr.

RE: Re-zoning of 1104 Fox Road

Dear Knox County Commissioners and MPC Commissioners,

We read recently a statement from a man considered very wise. "Our forefathers could not begin to comprehend all the great provisions God had prepared."

We sat in attendance and listened intently to the members of the MPC on July 8, 2010, concerning the re-zoning request of 1104 Fox Road made by a developer, Mr. Chad Kennedy. Very real and valid points concerning the land size, the TVA flood plain, traffic issues on Fox Road and neighbors every day life issues living on Fox Road were listened to by the members of the MPC. The land was examined, the flood plain map was even put up on the screen to be viewed and a very well educated decision was made. The decision was to not re-zone the property to Rural

Commercial. As citizens we respected the well examined and thought out decision that was made by all the members of the MPC.

It was not surprising to us that the developer, Mr. Kennedy would go to the higher authority to appeal. He is a developer and developing land for profit is his business.

It was surprising to us that the MPC staff and commissioners would be so disrespected and their wisdom and judgment would be totally disregarded by the Knox County Commissioners on Monday, September 27, 2010. The developer, Mr. Kennedy was even asked to comment on the job the MPC members did. The ruling was not in Mr. Kennedy's favor so it was totally expected for him to say what he did about them.

As residents of 914 Fox Road for 16 years we were disappointed the Knox County Commission sent this back to the MPC in the way that they did. But, more urgent to us as residents of Knox County is the disrespect that was shown to the MPC members, your own Commissioners and the residents of Fox Road and surrounding neighborhoods.

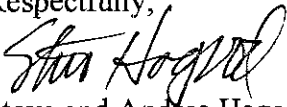
All of you are in trusted positions to uphold, honor and respect the law and the citizens of Knox County. It is not up to the residents to make a deal with the developer. Who would police the deal? Would neighbors have the authority to make an arrest if the deal was broken or totally disregarded?

It sounds foolish because it is foolish.

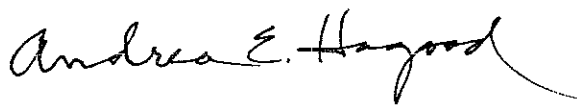
The developer, Mr. Kennedy, has an attorney who speaks for him. We are individual neighbors trusting the MPC and Knox County Commissioners to uphold the regulations and authorities laid out and put into law by our forefathers to protect the people and the land.

We stand by our opposition of the development of 1104 Fox Road to Commercial use. We hope the MPC comes back with the same decision – NO to the re-zoning of 1104 Fox Road.

Respectfully,



Steve and Andrea Hagood
914 Fox Road
Knoxville, TN 37922
865-671-2777



Cc Knox County Mayor Tim Burchett

From: Mike Brusseau
To: Betty Jo Mahan
Date: 10/25/2010 10:05:20 AM
Subject: Fwd: 1104 Fox Road rezoning request MPC File # 11-A-10-SP

Re: Item 6-C-10-RZ/11-A-10-SP

>>> Jim Warren <jim@jfwmarketing.com> 10/25/2010 10:15 AM >>>
Reference: MPC File # 11-A-10-SP

Dear Mr. Brusseau,

Please distribute this letter to the members of the MPC.

As a resident of Fox Road, I have been steadfastly opposed to rezoning an "Agricultural" property at 1104 Fox Road to Rural Commercial. This is a long-standing residential area which includes both waterfront properties and properties in conventional subdivisions. There is no compelling reason to spot rezone this property. Zoning laws have an important purpose - to maintain the appearance and character of contiguous areas. The zoning of an area is an important consideration when a family makes the large investment in their home.

The Knox County MPC did a thorough job of evaluating this request pursuant to Knox County statutes and sector plans. This is documented in over 100 pages of reports and letters, which I have reviewed several times. On July 8, 2010, the MPC unanimously denied the rezoning. As far as I can tell, they reached an informed decision which complies with Knox County policy. This decision was not based on the specifics of the developer's plan to build a restaurant. It was based on the sector plan and whether or not to consider allowing commercial businesses to operate (forever) in the middle of a residential area.

On September 27, the county commissioners determined that the MPC had not made the right decision, and sent this request back to MPC to work out and approve a plan. The information available to me does not indicate the grounds for appeal nor the reason that the MPC process was ruled to be flawed. After learning of this decision, I sent an email to all commissioners. The only one who bothered to respond was Larry Smith. Mr. Smith explained that the MPC members had never met with the developers (Chad Kennedy). He did not feel that they should make a decision without meeting with the developer.

I think MPC was justified in not meeting with the developer and not evaluating the specific project. The primary decision was whether or not to rezone from AG to CR. Unless there is a compelling reason that benefits a large group of Knox county taxpayers, without irritating a large group of neighbors, there is no reason to do a spot rezoning. I don't want it rezoned period. I really don't care if the business is a restaurant, an insurance office, or a convenience store. Despite some of the arguments in the documentation, there is no empirical evidence that a restaurant will increase the value of nearby homes, however it certainly does not foster a "this is a nice neighborhood" feeling. Think about some of the mixed use streets in Knox County where insurance companies and house-based offices are interspersed with homes. Do you think "this is a beautiful neighborhood" and "what a nice place to live"? Of course not.

To summarize:

* Fox Road is residential, and has been that way for a long time. There is no reason to allow commercial businesses (in perpetuity) to operate in the middle of this area.

* The MPC did a thorough and proper analysis and unanimously denied the rezoning request. This was their duty to the taxpayers of Knox County.

* None of the facts have changed. The MPC should arrive at the same conclusion given the same set of facts.

* MPC Staff and Commissioners should not compromise their integrity by changing this decision on the whim of a few County Commissioners. Knox County citizens do not want "good old boy" politics. They want rational decisions and firm leadership that implements the statues and plans of the County.

We urge you to again deny this rezoning request on November 10.

Sincerely,

Jim and Wendy Warren
900 Fox Road

jim@jfwmarketing.com<<mailto:jim@jfwmarketing.com>>

865-242-3921

From: Mike Brusseau
To: Betty Jo Mahan
Date: 10/25/2010 10:02:03 AM
Subject: Fwd: Fox Rd

Re: Item 6-C-10-RZ/11-A-10-SP

>>> Cliff Kirk <cliff@towergear.com> 10/24/2010 11:13 PM >>>
Dear Michael:

We would like to request that the Metropolitan Planning Commission and the Knox County Commission deny the rezoning request for CGK, Inc.- MPC File No.6-C-10-RZ based upon all of the reasons contained in the Metropolitan Planning Commissions Plan Amendment/Rezoning Report for file Nos. 6-C-10-RZ and 6-A-SP, Applicant CGK, Inc., owner Chad Kennedy, Agenda Item No. 30 from the Agenda date 7/8/2010.

I reside at 1012 Fox Road 1/4 mile form the proposed site of Mr. Kennedy' s 3restaurant. ㄱ

As I stated in my previous emails to you and the commission, I see no reason to allow a re-zoning of this property. It does not suit our community. It is out of place with the surroundings.

I understand that the land owners would like to sell the property. But just because they are asking a commercial price means it should be sold as commercial property. I think everyone understands the dilemma of trying to sell property in this economy.

Mr. Kennedy' s own civil engineer stated at the MPC meeting that only about 1 acre is deemed buildable. The majority of the property lies below the TVA flood rights. I know for a fact that Sinking Creek does rise and I have had water within a few feet of my back door (see the attached picture).

Mr. Kennedy suggests adding a turn lane. But there is no room for a turn lane. The Southern railway runs north of Fox road and there are utility poles to the south side of Fox Road.

Fox Road is very narrow. And is widely traveled. We do not need any more traffic on this road. The houses are close to the road. And as you can see from the included pictures, when a car or truck goes off it is in your back door. This is my parents house at 1010 Fox Rd.

We are the homeowners and neighbors that will be most directly impacted by the noise, lighting, traffic, and most importantly, safety concerns associated with the applicant' s request for CR zoning and sector plan change request. Please deny the request.

Very truly yours,
Cliff Kirk
1012 Fox Road
Knoxville, TN 37922







From: Mike Brusseau
To: Betty Jo Mahan
Date: 10/27/2010 8:17:46 AM
Subject: Fwd: MPC File # 11-A-10-SP (Formerly MPC File Nos. 6-A-10-SP and 6-C-10-RZ)

Re: Item 6-C-10-RZ/11-A-10-SP

>>> <liby660@att.net> 10/26/2010 11:59 PM >>>

October 26,
 2010*

To the Members of the Knox County Commission and the Metropolitan Planning Commission:

*

My name is Elizabeth Barnes Griffin and I have lived my entire life (except for 2-years in graduate school at the University of Memphis) in Knoxville – first in Colonial Village in South Knoxville and then at 922 Fox Road (since 1978 - 32 years). *My husband and I live in a '60s vintage tri-level home approximately one-quarter mile from 1104 Fox Road.

I continue to oppose the rezoning request in the vicinity of 1104 Fox Road

(MPC File # 11-A-10 SP; formerly MPC File Nos. 6-A-10-SP and 6-C-10-RZ) for the following reasons:

*

"Rural Commercial Zone"

is not an appropriate zoning request for this property.* Rural Commercial zoning "provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas."*

*

If I understand this correctly, RC is designed to support the needs of residents in isolated areas by providing for needs not already met.* Fox Road is not a rural community! *It is a residential community with easy access to needed dining, recreational, and shopping opportunities.* A marina already exists on agricultural land adjacent to this request and more than fifty bars and restaurants exist within

a five-mile radius, including one on the Sinking Creek embayment itself.*

*

The request for RC zoning is an obvious attempt by the developer to circumvent the “use on review” process that would be – by law - available to the public under any other request for commercial zoning.*

Mr. Kennedy has said:

a.***

He will not have music outside the proposed establishment.

b.****

He will close at 11:00 p.m.

c.****

He will not have rentals – jet skis, boats, etc.

d.****

He will develop walking paths, benches & other attractive additions.

e.***

He will work with the neighborhood to build harmonious relations.

I offered my name and address as a homeowner and potential close neighbor and have not received a single communication from Mr. Kennedy.* It does not matter what promises are made to the MPC, to the County Commission, or to residents if those promises are not backed-up by the weight of the law; “Rural Commercial” zoning does not provide these protections.*

Fox Road and Canton Hollow Road do not provide safe vehicle access for the current traffic, much less additional business traffic.* Accident reports - including fatalities - support this statement.* This section of Fox Road and Canton Hollow Road is approximately 18 feet wide with no shoulders, no white-painted side lines, poorly-visible yellow middle lines, rolling terrain that reduces visibility, and drainage problems that often leave the road wet – a clear danger in inclement or cold weather.*

*

If any one of you were to drive down this section of Fox Road and onto Canton Hollow at night (much less on a dark, rainy night), that person would testify to the remainder of you that this road is unsafe for current traffic.

*

Construction and, later, delivery trucks will significantly impact our roads and our safety, but more importantly, a restaurant/bar will - as a matter of fact - release persons who have been drinking onto our narrow, dangerous, residential roads every evening and weekend.*

*

Residential neighborhoods/communities should allow for relatively quiet and safe homes.*

*

With regard to the desires of our community for a reasonably peaceful residential neighborhood, agents of Mr. Kennedy reportedly measured the noise from a train.* Trains do come by our homes at regularly scheduled times.* They do make noise and dust and sometimes they block the road.* They do constitute an irritant and an occasional hazard.* We knew the trains were here when we bought our properties.* The railroad makes every effort to insure our safety by putting up lights, bells, and one barrier and by mowing their right-of-way frequently.* They blow whistles at intersections and maintain their tracks.* They are good neighbors.

*

It is the developer's stated intention to have outdoor dining/bar operations until eleven p.m. which does not mean that the patrons will leave by then.* This is a bedroom community.* Making a "spot" exception to our zoning laws and to the section plan to allow construction of an unneeded and unwanted restaurant/bar just outside our bedroom windows is inappropriate.

*

*

I am a Capitalist.* I understand the desires of the McHenry family members to maximize their profit from the sale of land purchased long ago.* However, the land is buildable for Mr. Kennedy's purposes only if multiple exceptions are allowed.* I have family members myself who want to sell their properties for more than they can get.* It is a common desire, but not one that is their right under the law.* No one should receive special consideration

from the County Commission for their personal benefit at the expense of their neighbors simply because they want to do so.

*

The Metropolitan Planning Commission is an honored and respected part of long-range planning for Knox County.* My father, George Barnes, was a former Chairman of the MPC.* He knew the importance of evaluating carefully the needs of the community vs. the wants of an individual; he valued doing the "right thing."* That is what the MPC did in their initial decision to deny this re-zoning request unanimously.

*

My husband, Fred Griffin, has already written the MPC opposing the proposed re-zoning.* We both urge you to support the character and integrity of our little community and affirm our trust in the fairness of the written law.* Reject again the request for Rural Commercial re-zoning in the vicinity of 1104 Fox Road.

*

Elizabeth "Libby" Barnes Griffin

922 Fox Road

Knoxville, TN 37922

(865)966-3455

liby660@att.net

From: Mike Brusseau
To: Betty Jo Mahan
Date: 10/28/2010 9:13:26 AM
Subject: Fwd: Restaurant Proposal -- File Number 11-A-10-SP -- 1104 Fox Road

Re: 6-C-10-RZ/11-A-10-SP

>>> "Armentrout, Daryl R" <darmentrout@tva.gov> 10/28/2010 9:17 AM >>>
Attention: Mike Brusseau

Mike,

I would like to bring to your attention an appeal that a developer will be bringing to the MPC. The proposal is for a restaurant development at 1104 Fox Road near our sub-division, Tan Rara Oeste. We oppose this development for the following reason:

- * The noise (12-15 hours per day) from the restaurant activities, deliveries, and garbage removal will be will be a noise pollutant to our homeowners.
- * The exterior lighting will also be another source of pollutant.
- * It's in violation of the Knox County Sector Plan which designates this land for agricultural or residential uses only.
- * The narrow stretch of Fox Road and Canton Hollow roads will bring increase safety risks in vehicle travel on this roads.
- * Finally, it sets a precedent for additional commercial development on the remaining 5.5.acres, which will further derogate this quality of the this and surrounding residential areas.

We urge you and you fellow commission members to deny this request.

Thanks.

Daryl

Daryl R. Armentrout, Ph.D., P.E.

Environmental Engineering Chattanooga

TENNESSEE VALLEY AUTHORITY

4200 Greenway Drive

Knoxville, Tennessee 37918

From: Mike Brusseau
To: Betty Jo Mahan
Date: 10/28/2010 4:22:53 PM
Subject: Fwd: #"11-A-10-SP" at 1104 Fox Road

>>> "Robert Dilworth" <bobnjoey@mindspring.com> 10/28/2010 11:19 AM >>>
Dear Mr. Brusseau:

Please record the opposition of the undersigned to this proposal. The intrusion of this business into an established residential area is contrary to good zoning principles. Additional traffic on this narrow road as well as noise and lighting will badly impact our neighborhood.

Robert H. Dilworth
Johanna P. Dilworth
10104 Loma Drive
Knoxville TN 37922

From: Mike Brusseau
To: Betty Jo Mahan
Date: 10/28/2010 4:22:42 PM
Subject: Fwd: File 11-A-10 SP 1104 Fox Road

>>> "Randy" <rmally@tds.net> 10/28/2010 10:19 AM >>>

Dear Mr. Brusseau,

I would like to voice my concern over the proposed building of a restaurant / bar on Fox road, specifically the land at 1104 Fox road.

I have lived in this area my entire life, and currently live in Tan Rara subdivision. I am very familiar with Fox road and the hazards it presents even in its current state of use. Fox road is a very narrow, soft shoulder road that unfortunately has high speed traffic, two railway crossings within a mile of each other, numerous boats being towed and large trucks traversing it daily. It's not a very driver friendly road as is, let alone if a restaurant were to open with a bar. I also firmly oppose this project because of the disruption of our beautiful neighborhood Tan Rara. The sounds, site, traffic, lights, etc would all be heard and felt because this proposed restaurant would be directly across from our neighborhood.

Please take a moment and realize the impact this would have on our neighborhood, family, and friends.

I therefore ask you to please deny this rezoning appeal.

Sincerely,

Randal D. Mallicote

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/1/2010 8:12:48 AM
Subject: Fwd: Re: Knox County MPC Zoning Request 1104 Fox Road (File # 11-A-10-SP)

Re: Item 21

>>> John Randle <john.randle@tds.net> 10/31/2010 11:29 AM >>>

Mr. Brusseau:

Further to this topic, I would like to suggest that if you, and/or the MPC Board members, are not personally familiar with the proposed location, then a night time visit to the location can only assist you, and/or the MPC Board, in coming to a better informed decision regarding this action. What appears to be a simple access during daylight hours can quickly become a nightmare during the hours of darkness and/or during inclement weather. The proposed location can only be approached from two possible access routes, Canton Hollow Road and/or Fox Road. The Canton Hollow Road access can be directly made via the Kingston Pike / Canton Hollow Road / Lovell Road intersection (itself the scene of many motor vehicle accidents) or indirectly via the Concord Road and Loop Road intersection to Woody Road and then to Canton Hollow Road. The Fox Road access is possible via either the Kingston Pike and Fox Road intersection (at Back Yard Burgers/Jewelry TV) or via the intersection of Westland Drive and Emory Church Drive which then becomes Fox Road. If you do decide to personally check out the location via any of these routes, please proceed with great caution ... and a eye out for other motorists who have no intention of either driving at the posted speed limit or even staying on their side of a two lane road which has reduced visibility due to hills and curves. Also, please exercise great caution when transiting the railroad crossings on either Canton Hollow or Fox Road for the same reasons.

After visiting the location, you should be able to better assess the wisdom in locating a commercial establishment at the proposed location with its accompanying increase in traffic volume, some of which will certainly be under some degree of influence from the alcoholic beverages that will be available at the commercial establishment. The time that you will invest in this visit is a very reasonable investment in our community's future generation's safety and it is clearly within your obligation as a member of the MPC Board to make well informed decisions.

Again, respectfully,

John P. Randle

10625 Summit Mountain Court

Knoxville, TN 37922

865-675-1293

On 10/30/2010 10:44 AM, John Randle wrote: Mr. Brusseau:

I would like to register my opposition to subject zoning request, both as a resident of the immediate area and as a concerned public minded citizen.

If you review the motor vehicle accident reports for Canton Hollow Road and Fox Road available at <http://www.crimereports.com/#> you will find that in just the six month period that is maintained on-line there have been 8 reported motor vehicle accidents with injury on Canton Hollow Road (7/14, 7/29, 9/3, 9/21, 9/26, 9/26, 10/18 and 10/26). As a member of the Knoxville Volunteer Emergency Rescue Squad, I have personally responded to numerous other incidents in these roads, to include fatal accidents, that are outside this six month window and firmly believe that any increase in traffic volume by bringing commercial activities into this area will adversely affect the safety of myself as an immediate resident as well as those who may wish to patronize the commercial establishments. Additionally, I have personally been the victim of a motor vehicle accident on Canton Hollow Road where the other driver was cited for traveling too fast for the road conditions.

The same web site will also provide you with access to reports of "opportunistic crimes" such as burglary and "breaking and entry" and you will see that the same area has experienced 4 such incidents in the same six month period. Again, as a resident of the immediate residential area, I firmly believe that an increase in visitors to this residential area from the addition of a commercial activity will result in an increase in such "opportunistic" crimes.

Please note that the above concerns are without regard to whether the commercial activity involves the consumption of alcoholic beverages, but clearly such consumption can only increase the incident rate for

both motor vehicle accidents as well as opportunistic crimes.

A previous rezoning request for a high occupancy dwelling on Canton Hollow Road was rejected based upon traffic safety considerations. I firmly believe that the situation has not changed, and consequently the subject requested rezoning request should also be denied.

Respectfully,

John P. Randle

10625 Summit Mountain Court

Knoxville, TN 37922

865-675-1293

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/1/2010 8:13:06 AM
Subject: Fwd: Re: file #11-A-10-SP; location = 1104 Fox Road

Re: Item 21

>>> Joe Peterson <joepete@tds.net> 10/31/2010 9:41 AM >>>
Dear Mr. Brusseau,

I am writing in opposition to the request from CGK, Inc. to rezone the subject location to CR for the purpose of building a restaurant/bar. Fox Road is already too dangerous (narrow) for the current level of traffic without any readily available pull offs to provide an accident avoiding strategy. Also the added possibility of impaired drivers leaving a facility serving alcoholic drinks greatly increases the risk of accidents and personal injuries. There have already been documented accidents on this road with damages to the residents' properties.

In addition to the residents directly involved along Fox Road, a number of residents in the Tan Rara Oeste subdivision (where I reside as well) are strongly opposed to the stated development plan requiring the requested zoning change.

I encourage all MPC members to vote against this request and ask that it be a recorded vote with the results made public and readily available to all who request them. Please advise how this can be accomplished efficiently.

Respectfully submitted,

Joseph R Peterson, PhD
joepete@utk.edu
865-671-2118

FILE NO. 11-A-10-SP LOCATION IS 1104 FOX ROAD

6-A-10-SP cor Starnes

WILLIAM H. STARNES, JR.
LtColonel, USAF (ret.)10216 El Pinar Drive
Knoxville, TN 37922-4159Home Telephone (865) 966-8060; FAX (865) 966-8061; Cellular (865) 719-7848
Email: starnes@tds.net

November 1, 2010

MPC Commissioners
Knox County/Knoxville Metropolitan Planning Committee
 Suite 403, City/County Building
 400 Main Street
 Knoxville, Tennessee 37902

RE: MPC Files: 6-A-10-SP Location: 1104 Fox Road, Knox County,
 Knoxville, TN 37922

SUBJECT: Rezoning Request to A to CR or Rural Commercial

Ladies and Gentlemen:

My wife and I request that you review and include this letter in your file of documents and background for the forthcoming subject hearing.

Informal information reveals that the Fox Road Marina business was chartered in the late 1950s following the development of the Tan Rara Oeste neighborhood. It is understood that the rezoning request by the business' developer was not countered by the then limited number of resident/owners in Tan Rara Oeste. I feel certain your Committee has researched this matter and has the definite dates of the establishment of both the Tan Rara Oeste community and the business now known as the Fox Road Marina.

This assumed rezoning by the Fox Road Marina *"infringed"* on the *"quite privacy"* of an *"established"* residential neighborhood without their permission. Quite understandably this situation could have occurred due to the fact that at that time the Tan Rara Oeste community construction had not developed either overlooking or expanding along Fox Road. Nevertheless, should this be the case a business rezoning and development *"set a precedence"* that the neighborhood of Tan Rara Oeste cannot accept. Furthermore, the Tan Rara Oeste residents should not be made to accept that a business might move in as *"grandfathered"* just because the adjacent Fox Road Marina business exists and has been in operation for a considerable number of years. Moreover, *"further encroachment"* of our *"quiet privacy"* is not acceptable.

Knox County history has revealed that a business development adjacent to an *"established"* residential neighborhood *"drives down"* residential property

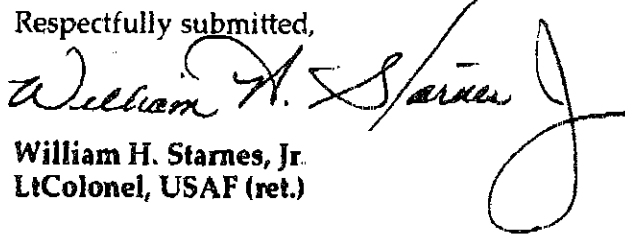
Master of Business Administration
 The Ohio State University

Certified Public Accountant
 (Retired)

Master of Accountancy
 The University of Tennessee

values. In this instance our community contains over 200 family residences. The County Commissions should not subject Tan Rara Oeste homeowners to "*inverse condemnation*" by changing the zoning in question. My concern also questions what the County Commissioners will next allow adjacent to our homes - a gas station, a kennel, a manufacturing plant, a re-cycling facility, etc.

Respectfully submitted,



William H. Starnes, Jr.
LtColonel, USAF (ret.)

WHS/rw

Master of Business Administration
The Ohio State University

Certified Public Accountant
(Retired)

Master of Accountancy
The University of Tennessee

John and Donna Carnduff
10212 El Pinar Drive
Knoxville, TN 37922

27October2010

Knoxville/Knox County Metropolitan Planning Commission
Suite 403, City/County Building
400 Main Street, Knoxville, TN 37922

RE: MPC Files (Proposed CR rezoning at 1104 Fox Road)

Dear Commissioners,

First, we want to say that we believe you got the matter of CR rezoning on Fox Rd. right the first time it was brought to you! We believe the circumstances of your rejection of the proposed spot rezoning have not changed, and we hope you will again return a unanimous NO vote to the proposed CR rezoning. The situation remains as before "this proposal does not meet any of the general plan criteria regarding changes of conditions warranting amendment to the land use plan".

Second, the matter of unattainable safety considerations to meet the traffic needs of a commercial venture at that site remains the most consistent and passionate objection of our community members. As you are no doubt aware the hazards on Fox Road between Canton Hollow and Emory Church road are challenging now, and will result in unacceptable risk to motorists and residents along that road if additional traffic is realized with such a rezoning. From a practical vantage point, there is no way the county has (or would be able to realize) the level of funding needed to reconstruct that road to make it safe for the additional traffic. If the county will not make the road safe, those who agree to such a rezoning leave themselves accountable for sanctioning an unsafe corridor for ALCON to support a questionable commercial venture.

Third, many in the community are frustrated with the ease of which some would set aside planning documents that should stand firm against development that is inconsistent with the overall needs of the community. We are supposed to have confidence in documents such as the SW Sector Plan and the Fox Road Corridor Study/Plan as well as promises by developers and community leaders to mitigate development of the Fox Road Marina – yet we hear calls at commission meetings asking community members to have faith measures will be put in place to "mitigate residents concerns". We don't want our concerns mitigated with promises that have proven to be of little value, we want our elected/appointed officials to act with integrity to the intent and letter of these planning documents.

Finally, now that the remainder of the McKenry farm is up for sale (another 5 acres at that site), it seems likely that a CR rezoning at 1104 Fox Road will lead to a further re-zoning effort and would allow an even greater commercial use of that entire area. Even more than the first time this matter was brought to your commission, commercial uses at this site would have an unfavorable impact on the community.

Sincerely,


John Carnduff

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/1/2010 2:09:26 PM
Subject: Fwd: Opposition to Mr. Kennedy's plan to build restaurant/bar on Fox Road

Re: Item 21

>>> Jim Shawn <jandjshawn@yahoo.com> 11/1/2010 12:00 PM >>>
TO: All members of MPC:

Reference to the file # 11-A-10-SP, location 1104 Fox Road:

We, again, express our concern and opposition to the rezoning of the property at 1104 Fox Road to CR(Rural Commercial). We thought you, as a body, expressed the

correct message to the Knox County Commission when you initially denied the request.

However, they chose to send the matter back to you for further review and another vote.

We have neither heard nor seen anything that has made us change our minds to favor voting

to approve this request. The vast majority of the community surrounding the 1104 Fox Road

location is against the building of a restaurant/bar at that location. The road network leading

to the site: Emory Church Road, Fox Road, Canton Hollow Road, and Woody Road are all

narrow, windy, and require a drivers' 100% attention when driving on them. This is especially

true at night and in the rain. It is not an area that is suitable for commercial development - it is

an area of residential homes. We again ask for your vote to DENY the request for rezoning of

the property at 1104 Fox Road.

Sincerely,

Jim and Judy Shawn
100225 El Pinar Drive
Knoxville, TN 37922
865-966-1128
jandjshawn@yahoo.com

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/28/2010 10:05:06 AM
Subject: Fwd: FW: Rezoning of area next to Fox Rd Marina

Re: July Item 30

>>> Cliff Kirk <cliff@towergear.com> 6/28/2010 8:40 AM >>>
Hi Michael:

I had previously sent an email to you regarding the request for Re-Zoning or Use on Review of the property west of Fox Road Marina on Fox Rd. Obviously, we are very disappointed that the requested has been made for a second time.
Our disapproval for the proposal still stands.

This area is residential. It would be completely out of character to build a bar / restaurant on that property. It would disrupt the our lives on a daily basis. The noise would be a constant distraction. We have children. There are churches. There are railroad crossings. The road is much too narrow to handle the traffic flow. None of these mix well with the sale of alcohol.

The marina is an ongoing business. But it was, and should remain, agricultural. The current management have acted responsibly as good neighbors.
This embayment is overcrowded and adding additional boats and jet skis would only make it more dangerous.

We would appreciate your support in conveying our thoughts and beliefs.
This proposal should be declined.

Very truly yours,
Cliff Kirk

----- Forwarded Message

From: Cliff Kirk <cliff@towergear.com>
Date: Fri, 04 Jun 2010 10:22:50 -0400
To: <michael.brusseau@knoxmpc.org>
Cc: Anna Kirk <Anna.Kirk@siemens.com>
Conversation: Rezoning of area next to Fox Rd Marina
Subject: Rezoning of area next to Fox Rd Marina

Mr. Brusseau:

I would like to voice my disapproval for the potential rezoning of the property adjacent to Fox Road Marina.
I live at 1012 Fox Rd. My parents live at 1010 Fox Rd. I have lived at these addresses since 1968.
The idea of rezoning the property in question to allow for a bar and or restaurant is unacceptable on many levels.

First and foremost, this is a residential area. The homes along this street pay high property taxes based on our proximity to the lake.
We all understand that with the beauty of this bay comes a cost. And that is

acceptable.

As residence of this area we all have to deal with a tertiary road that sees more than it s intended amount of problems and traffic. And that traffic travels at a high rate of speed all day long moving from Westland to Kingston Pike and other locations. We all deal with regular vandalism of being in this area. Smashed mail boxes. Windows shot out in our homes. Our cars spray painted and windows broken out. And even burglaries. We were robbed in April 2008. People travel this road late at night and throughout the early morning because there is not a police presence. At night cars and motorcycles will travel in excess of 80 miles per hour. Cars wreck at night outside our doors. There are two train crossings where fatalities have occurred. We know this as residence. But no one agency does anything to curb or stop these problems from recurring. We report them to the police. We are put on drive byes for a week and nothing changes.

We do not need a bar on this road! Allowing a bar on this road his will only increase these ever growing problems. It will increase traffic on a road that is over crowded. It will certainly increase the number of drunk drivers. It will increase the probability that accidents will occur related to those drivers in a residential property. You have a road where cars are traveling at a high rate of speed coming in to contact with the expectation of a driver that is impaired. You are allowing the probability that an impaired driver will have a 66% chance of crossing a railroad track. A 66% chance of passing a church.

A 100% chance of immediately passing a residence. A 50% chance they will pass my house and my adjacent neighbors house where there are children ages 10 and 11 respectively.

MPC allowed the expansion of Fox Road Marina despite the outrage of this community. To allow the rezoning of this property to a commercial entity would open the door for more commercial development on property that should remain residential. This bay is beautiful but very small. We have two marinas on a bay that TVA ³considered ^상 overcrowded in 1972. By allowing more boat traffic you are once again increasing the odds of boat accidents by proximity or by an impaired operator.

From my personal conversations with residence, it would be a destination for non-residence and a constant nuisance to the neighbors.

You are inviting others into our lives and homes that are not requested. We will have our peace and happiness violated by potential drunk drivers and the probability of loud music and unwanted noise.

MPC should absolutely decline this request for a rezoning. It is unnecessary, dangerous and adds no value to this community.

Very truly yours,
Cliff Kirk

1012 Fox Road
Knoxville, TN 37922
865-660-9660

----- End of Forwarded Message

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/30/2010 8:18:09 AM
Subject: Fwd: 1104 Fox Road rezoning hearing

Re: Item 30

>>> Jim Warren <jim@jfwmarketing.com> 6/29/2010 5:13 PM >>>
Dear Knox County MPC Commissioner:

It has come to our attention that Knox County is considering rezoning the McKenry farm located at 1104 Fox Road from Agriculture to Commercial, in anticipation of a restaurant and sports bar being built on this property. As nearby residents, we are adamantly against this proposal. This is a residential area with no commercial businesses (except for Fox Road Marina which obviously needs to be located on the water and was grandfathered into current zoning regulations).

We purchased our properties in residential areas for peace and tranquility. A restaurant and bar will generate noise which carries a far distance over open water. Another concern is traffic, Fox Road is very narrow and has no shoulder. With the additional traffic we already have from people cutting through to the Turkey Creek shopping area, we frequently see accidents, particularly at the intersection of Fox Road and Canton Hollow Road. As a final point, access to this portion of Fox Road is only through residential areas using either Canton Hollow Road or Fox Road, there are no commercial businesses for several miles.

We strongly urge the commission to deny this request, as this is not a suitable nor appropriate location for a restaurant or bar.

Sincerely,

James and Wendy Warren
900 Fox Road
Knoxville, TN 37922

865-966-2277

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/6/2010 8:48:17 AM
Subject: Fwd: Application of CGK, Inc. to Operate a Restaurant on Fox Road

Re: Item 30 (SUPPORT)

>>> <tpett1@aol.com> 7/2/2010 4:11 PM >>>

To: Mike Brusseau

Re: 1104 Fox Road application of CGK, Inc. to Operate a Restaurant

I am writing to you in support of the 1104 Fox Road property being re-zoned for commercial use. As the Realtor representing the property for the McKenry family, I would like to share the following information with you.

This property has little value as residential usage. Due to the restrictions of easements from TVA, First Utility District (main sewer lines) and the Norfolk Southern Railroad less than one acre is available as a building site. This remaining site is within a few feet of a very busy and noisy 50 foot tall metal commercial building operated by Fox Marina.

This property has been offered for sale as a residential parcel with several leading real estate firms since December of 2006 with no offers. I believe the market has proven there is no demand, thus value for this property as residential usage.

Finally, as the McKenry family representative I support this application for restaurant use. The McKenrys have invested in this property since the 1960's as their primary retirement vehicle. With both of the McKenrys now in assisted living, it is time to sell this investment to fund their lives.

With this approval decision a family will receive their needed funds, Knox County will enjoy a larger tax yield and the community will enjoy a new family restaurant by water and land.

Sincerely,
Tom Pettitt
Realty Executives Associates Bearden
109 Northshore Drive Suite 200
Knoxville, TN 37919

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/6/2010 8:52:03 AM
Subject: Fwd: Re: commercial rezoning of fox rd property

Re: Item 30

>>> Thomas Haws <tfhaws@yahoo.com> 7/5/2010 9:45 PM >>>
Dear Michael,

This is a follow up of a message sent on June 2. This road is not conducive to commercial uses, especially an establishment selling alcoholic beverages. The road is so narrow it is dangerous now. There is not much room for widening it and adding some alcohol-fueled drivers is not going to help matters. Please relay my feelings to the other commissioners and deny this rezoning request.

Tom Haws
828 Fox Road

From: Thomas Haws <tfhaws@yahoo.com>
To: michael.brusseau@knoxmpc.org
Sent: Wed, June 2, 2010 9:01:02 PM
Subject: commercial rezoning of fox rd property

Dear Michael:

This message is in response to proposed rezoning of Fox Road property for commercial purposes--i.e. sports bar or other such purposes. This road and adjoining area are totally unsuited for commercial purposes. This area is predominately residential and the road in question is extremely narrow and can barely accommodate two small cars on either side of the road. Shoulders are non-existent on both sides and the added traffic of a restaurant and Sports Bar is a recipe for disaster. I must tell you that every resident is opposed to this use and will oppose this proposal with all resources that are available to us. Please do not allow this plan to move forward.

Tom Haws
828 Fox Rd

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/6/2010 8:51:26 AM
Subject: Fwd: Rezoning Vote July 8th / Fox Road

Re: Item 30

>>> Lori McCollum <loriamcc@yahoo.com> 7/5/2010 5:53 PM >>>
Dear Mr. Brusseau,

Please find below a copy of my original email to you from June 3rd expressing my opposition to the rezoning of the residential property on Fox Road in West Knoxville. I am writing to you again today to express that I am still opposed to the rezoning request. I understand that the original recommendation of the MPC Staff was to deny the rezoning request made by Chad Kennedy of CGK, Inc. I further understand that the MPC Commissioners have the final vote and I have forwarded an email to them as well.

Thank you again for your time, consideration and your support,
--- On Thu, 6/3/10, Lori McCollum <loriamcc@yahoo.com> wrote:

Dear Mr. Brusseau, I am writing to you as a concerned resident of (West) Knox County. It is my understanding that there is a request to rezone the area around Fox Road and Canton Hollow road from Low Density Residential to Rural Commercial. I understand that this request is being made by CGK, Inc. in order to open a Restaurant which would be serving alcohol to operators of cars and boats.

Although I do not live on either of these roads, I do frequently use them to travel to Kingston Pike and the Turkey Creek area. My concern is that the roads are narrow, have curves and no shoulder on either side. In addition, it is very difficult to see at night because it is so dark. The other added element of danger is the railroad crossing with no gate.

My greatest concern is for the safety of those that live and/or travel Fox Road and Canton Hollow Road. We currently have the traffic of the existing homeowners, the increase of traffic due to people like myself that use these roads as a shortcut, and now the added potential to increase traffic with patrons leaving this Restaurant after having consumed alcohol.

Besides road safety, there are other issues as well such as churches and schools nearby, noise generated from additional boat/watercraft traffic, music or other alcohol related events. If I were a resident, I would have strong objections to these issues as well. However, since I am not, I feel that it is only fair for me to comment on what I feel would affect me and that would be my personal safety. I would never be able to drive down either of these roads again without worrying as to whether the person coming from the opposite direction was under the influence of alcohol. Thank you for taking the time to read my email. Your consideration is greatly appreciated.

Regards,
Lori McCollum
903 King Charles Way(8630 Westland Drive)
Knoxville, TN 37923
691-6304

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/6/2010 8:50:36 AM
Subject: Fwd: McKenry Support of Fox Road Restaurant

Re: Item 30 (SUPPORT)

>>> "Chris McKenry" <chrismckenry@ca.rr.com> 7/5/2010 3:53 PM >>>
Metropolitan Planning Commission

Suite 403, City-County Building

400 Main Avenue

Knoxville, TN 37902

RE: Application of CGK, Inc. to Operate a Restaurant on Fox Road

Adjacent to Fox Road Marina

As the immediate neighbors of the proposed restaurant and sellers of the intended property, the Joe McKenry family, 1128 Fox Road, Knoxville, Tennessee, supports Chad Kennedy's proposed restaurant at 1104 Fox Road for several reasons.

First - This property is essentially my parents 401K for retirement. Now living in an assisted living community, the sell of this property is necessary for paying living and medical expenses.

Second - It has been impossible to find a residential buyer for the property because of the large commercial building (three stories high) located adjacent to our property line. We opposed the county's approval to Fox Road Marina to build this, yet it was granted. The property has been on the market since 2006.

Third - My family knows the value a quality family restaurant brings to a community. After 107 years serving the Knoxville food industry our business - McKenry Produce Company - was sold in 2003. We have known many quality establishments and we feel Mr. Kennedy's establishment will be an asset to the neighborhood.

When my parents bought the property in 1968 they were encouraged to open a restaurant on the lake. Even Colonel Harland Sanders, on a visit in 1969 encourage Mother and Dad to build a family restaurant on the property.

Finally - As property owners near the proposed restaurant, we look forward to being among the first diners if this is approved. My sister-in-law's home is on the property immediately to the west of the restaurant and we also own six additional acres west of her home. We would not have approved the sale for the proposed venture if we were not certain it would benefit the residents and property values of the area. Much has been said about the noise that will be generated. Growing up on the property I can honestly state there is nothing that could be louder than the train rolling down the tracks every hour or the noise generated by the equipment at Fox Road Marina.

Mr. Kennedy's proposal is consistent with the surrounding developments. I encourage you to join me in our family's support of the venture.

On Behalf of my parents,
Mr. and Mrs. Joe McKenry,

Chris McKenry
Assigned Power of Attorney

<<http://archive.constantcontact.com/fs023/1011217828203/archive/1103435902642.html>> Get It Together LA!

5853 West 6th Street

Los Angeles, CA 90036

323.525.0678 [phone]

GetItTogetherLA.com <<http://www.getittogetherla.com/>> [website]

McKenry.org <<http://www.mckenry.org/>> [blog]

Chris@GetItTogetherLA.com [email]

National Association of Professional Organizers [Board of Directors]

National Association of Professional Organizers, Los Angeles Chapter [PastPresident]

West Hollywood Chamber of Commerce [Member]

<<http://www.facebook.com/pages/Get-It-Together-LA/93968027896?ref=nf>>Facebook

[check us out] We are a professional organizing firm providing Residential and Office Organizing Solutions, Closet Design, Move Management and Residential Inventories for today's busy professionals.

6-A-10-SP-6-C-10-RZ-cor-Visconti

Kevin C. Visconti
Chavila T. Visconti
636 Liverpool Lane
Knoxville, TN 37920
865/235/8354



July 2, 2010

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

Re: Application of CGK, Inc. to Operate a Restaurant on Fox Road
Adjacent to Fox Road Marina

We are residents of Knoxville and happy to see that Chad Kennedy has applied to operate a neighborhood restaurant on Fox Road adjacent to the Marina. A good neighborhood restaurant is needed in this area and will be another amenity for people who live here. In addition to the restaurant, there will be boat slips with access to the restaurant from land and water.

We are certain there will be some opposition based on traffic, etc., however the property Mr. Kennedy is proposing to put his restaurant on is bounded by the water, Fox Road, the Norfolk Southern Railroad tracks and is not adjacent to any homes. Additionally, it is adjacent to the Fox Road Marina and its use will be consistent with the surrounding property.

We hope you will be able to support this rezoning request.

Truly yours,

A handwritten signature in black ink, appearing to read "Kevin & Chavila Visconti".

Kevin & Chavila Visconti

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/6/2010 3:22:19 PM
Subject: Fwd: MPC Agenda # 30, 7/8/2010

Re: Item 30

>>> <DHAndrew@aol.com> 7/6/2010 2:15 PM >>>

712 Summit Lake Court
Knoxville, TN 37922

Date: July 6, 2010

To: Knox MPC

Atten: Mr. Michael Brusseau michael.brusseau@knoxmpc.org
(<mailto:michael.brusseau@knoxmpc.org>)

Subj: 1104 Fox Road; Requested rezoning

MPC File; 6-C-10-FZ & 6-A-10-SP

Sir, this message is submitted in opposition of the proposed rezoning.

Reasons for disapproving this petition include:

- It requests blatant spot rezoning totally inconsistent with the surrounding area. The cited adjacent marina is a grand fathered noncompliant land use and should not be considered a justifying precedent.
- The roads, Fox, Canton Hollow and Emory Church, serving the property are already dangerous due to traffic, size and unsuitability for expansion.
- Any commercial usage resembling the proposed restaurant serving alcohol is inappropriate and will contribute to an already dangerous traffic situation.

We citizens of the affected area look forward to MPC's summary rejection of the request.

Regards,
DH (Andy) Andrew

Merle Andrew

From: Sarah Powell
To: Betty Jo Mahan; Michael Brusseau
Date: 7/7/2010 11:42:45 AM
Subject: Fwd: Mr. Michael Brusseau about Fox Road

>>> clarktechknx <clarktechknx@gmail.com> 7/7/2010 11:35 AM >>>
Mr Michael Brusseau,

We live on El Pinar Drive, in Tan Tara subdivision, just across the RR and Canton Hollow Rd from the current boat dock. We are very concerned for the security and peacefulness of our neighborhood with the proposed nightclub so close to us. Please do not allow the zoning change to permit this business in our residential neighborhood.

I want to tell you that we have have suffered through the untruths that were told and promised with the expansion of the existing Fox Road boat dock. We and our neighbors came to the MPC in opposition to the dry stack boat storage and expansion plans for the boat dock. Against our wishes, MC allowed them to proceed even without adequate parking and with apparently no oversight on the completion of all the proposed landscaping and aesthetic improvements that were promised.

You may wish to drive by and observe how well they have landscaped and beautified the dry stack, etc. This is stated tongue-in-cheek, since nothing was ever done to dress it up as they promised all of us when they were pleading for permission.

PLEASE DO NOT ALLOW a middle of the night noise making business right next to our lovely, peaceful neighborhood!!!!

Mike Clark

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/7/2010 11:50:21 AM
Subject: Fwd: agenda item #30 1104 fox road

Re: Item 30

>>> <bwhines@charter.net> 7/6/2010 9:21 PM >>>

MPC, As president of Lovell Hills Homeowners Association, I am going on record to oppose the re-zoning of the of the Mchenry home place at 1104 Fox Road. The added traffic and noise from the proposed development would only add to the problems that Fox Rd and Canton Hollow Rd plus the added traffic to Lovell Hills and Tanrara Oeste. Thank you for your consideration. Respectfully, Bill W Hines, President, Lovell Hills Homeowners Association

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/7/2010 11:55:59 AM
Subject: Fwd: Support for Application for 1104 Fox. Rd. by CGK Inc.

Re: Item 30 (SUPPORT LETTER FROM APPLICANT)

>>> <chkn8@aol.com> 7/7/2010 7:09 AM >>>

Dear Mike,

My name is Chad Kennedy, President of CGK Inc., and the applicant for the rezoning of 1104 Fox Rd.. I want to rezone the property in order to operate a family, boater, and neighborhood friendly restaurant. I am NOT going to open a Sports Bar, Biker Bar, or Bar. In addition to the Restaurant there will be boat slips for access to the restaurant by water. I have already gone through T.V.A.'s preliminary approval process and I have been told that TVA will accept my application to "Fill and Build" on the property. My plan for the property is very positive in many ways. First, the property owners will finally be able to sell their property that they have had for sale since 2006 and due to personal issues the family needs to sell the property NOW. Second, The construction of the restaurant will create 100's of construction jobs that are desperately needed right now. Third, the restaurant will have approximately 75-100 employees. These jobs are needed now more than ever. Fourth, by developing this vacant piece of property, this property value and the surrounding property values will raise. Fifth, the restaurant will generate more than \$200,000.00 dollars a year in sales tax revenue. Sixth, Knox County residents will have a great restaurant with a gorgeous view of Ft. Loudon Lake and the beautiful sunsets it provides. Seventh, Fox Rd. Marina will enjoy increased rental revenues. They do not have a full service restaurant on site and I have agreed to work together with the owners of Fox Rd. Marina to allow the Marina tenants easy access to the restaurant by foot. I have spoken with hundreds of people and almost everybody I speak with loves the idea of a waterfront restaurant at this location. In addition to the restaurant I will be building a Public fishing pier for local children and families to enjoy. I view this restaurant as a neighborhood gathering place as much as I do a restaurant. I have read the letters of opposition and here is my answer to their concerns.

Restaurant Concept:

My concept is a Family, Boater, and Neighborhood friendly Restaurant. The nearby residents were NOT told the truth about my concept. They were told by certain HOA leaders in the area that I wanted to operate a Biker Bar, Sports Bar, or Bar. These are the same HOA leaders I described my concept too before they told the surrounding residents the fabricated information. My hours will be Sunday - Friday 11:00 a.m. to 10:00 p.m. and Friday and Saturday 11:00 a.m. - 11:00 p.m.. These hours are very similar to other restaurants in Knoxville. These hours are NOT those of a late night drinking establishment. This will be operated as a restaurant and not a bar. We will have a bar, but it will be separate from the dining room. I have explained to local residences at the two meetings we have had on the property that I will and must operate this restaurant as community friendly as possible. I am counting on these residents in the surrounding area to be my customers, so if I upset the area residents they will not attend my restaurant and the store would struggle financially. I am currently working with Scott Osborn, the owner and senior Architect of R2R Studios. Scott has designed several local restaurants such as Aubreys, Bistro by the Tracks, Calhoun's, Panera Bread and several other local favorites. I have shown MPC that Knox County residents want to see this restaurant open. I have provided many more support letters than the opposition has provided opposing letters. I will continue to deliver support letters, I plan on getting more than 200 to MPC. I plan on spending around \$2,500,000.00 on the development and restaurant on this property. This will be a first class restaurant and development that Knox County will be proud of.

Noise:

The outdoor seating area will be designed to project any noise directly down the lake towards Lake Side Tavern, and NOT towards any homes. There is already a natural buffer of 50 foot trees between the property and Tan Rara. My neighbor Fox Rd. Marina is louder than I will ever be. The location of any outdoor seating is approximately 1500 feet away from the nearest Tan Rara home. Lastly, the Norfolk

train runs almost 20 times a day. We have conducted decibel level tests and have findings that the train's decibel reading is 102 Decibels. This is the equivalent of the 12 th row at a Rock Band Concert. This reading was of the train only, not including the horn. We should have the decibel level readings with the horn in the next day or so. There is also great opportunity for me to create a thick buffer between myself and surrounding properties. I plan to do extensive landscaping to beautify the property and create a thick buffer zone made of trees and bushes.

Traffic:

This location has the benefit of 3 ways of access. You can get to the site by Canton Hollow Rd., Fox Rd., and West Emory Church Rd.. We are currently working with Norfolk Railroad and TDOT for myself to purchase Railroad crossing arms at the Canton Hollow railroad crossing. The busiest time on Fox Rd. is during school drop off and pick up times. I will not be open until 11:00 a.m. thus missing the morning traffic and I will not get busy until 6:00 p.m. at night so I will miss the school pick up time and rush hour traffic. Tan Rara, Lovell Hills, Canton Place, and Lakewood neighborhoods do not use this part of Fox Rd. to access their neighborhoods. If they do they are going the long way home. My restaurant will also have access by water which will help any traffic problems that Fox Rd. may currently have. Tan Rara's subdivision entrance is approximately a mile away from this property. My Civil Engineer, DR. J.B. Turnmeyer with AEMC, and myself will be designing very safe entrances and exits from the site. Again, I understand that if the restaurant is not safe to get in and out of, people may decide not to frequent my business.

Location:

This location is perfect for my concept. It is a beautiful piece of property located next door to an already established commercial business. My restaurant is also located near Concord Marina. Between both Marinas there will be more than 700 boaters just looking for an excuse to take their boat out and I hope to be that excuse. This property has proved to not have any value for residential development. I has been for sale since 2006, with no offers. This property has many easements that keep it from being developed into a single family, multifamily, or a condo development. There are severe KUB utility easements and TVA flowage easements across the property. People also do not want to live next door to Fox Rd. Marina and its ugly dry boat storage warehouse. I believe my plan for using the property is the only one that makes since. You need to put yourself in the property owners position. They have a piece of property that they planned to sell there whole life, yet they can't due to the factors I described above. They finally have a ready ,willing, and able buyer, which is myself, and they must sell the property to pay for their retirement. Almost every American's nest egg is their home and property, the McKenry's are no different. Mr. and Mrs. McKenry are smart and well respected business people in our community, please allow this rezoning to occur so they can enjoy and fund their retirement.

I ask for MPC to approve my application for the rezoning of 1104 Fox Rd. to RC.

I can be reached at any time to discuss this further.

Sincerely,
Chad Kennedy
President,CGK Inc.
865-384-7667

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/7/2010 11:58:12 AM
Subject: Fwd: Support for 1104 Fox Rd. by CGK Inc.

Re: Item 30 (SUPPORT MATERIALS FROM APPLICANT, PLEASE INCLUDE ATTACHMENT IN PACKAGE AS HE REQUESTED)

>>> <chknn8@aol.com> 7/7/2010 7:26 AM >>>

Mike,

Attached is a realestate market analysis report conducted by MKD Appraising & Consulting. Along with the report is a copy of his license.
Please make this a part of my packet along with all my letters of support. Thanks for your help presentation of my application at yesterdays meeting. I know I am getting support letters in at the end, but I believe I will be turning in many more than the opposition.

Sincerely,
Chad Kennedy

INVOICE

FROM:

Mitch Daugherty, CR 2745
 MKD Appraising & Consulting
 810 Lourdes Lane
 Knoxville, TN 37934

Telephone Number: 1-865-966-3327 Fax Number: 1-865-966-3326

INVOICE NUMBER	
1007004M	
DATE	
7/6/2010	
REFERENCE	
Internal Order #:	1007004M
Lender Case #:	
Client File #:	
Main File # on form:	
Other File # on form:	1007004M
Federal Tax ID:	Provided Upon Request
Employer ID:	

TO:

Chad Garett Kennedy
 1196 Jenkins Lane
 Knoxville, TN 37934

Telephone Number: Fax Number:
 Alternate Number: E-Mail:

DESCRIPTION

Lender: Chad Garett Kennedy Client: Chad Garett Kennedy
 Purchaser/Borrower: 1007004M
 Property Address: Fox Road
 City: Knoxville
 County: Knox State: TN Zip: 37922
 Legal Description: Deed Book 1410, Page 403

FEES

AMOUNT

Consulting / Data Research	100.00
SUBTOTAL	100.00

PAYMENTS

AMOUNT

Check #:	Date:	Description:	
Check #:	Date:	Description:	
Check #:	Date:	Description:	
SUBTOTAL			
TOTAL DUE			\$ 100.00

MARKET DATA CONSULTING



FOX ROAD (part of map 143, parcel 127)

Property Location:	Fox Road Deed Book 1410, Page 403 (Part of) Knoxville, TN 37922
Borrower:	1007004M
Client:	Chad Garet Kennedy 1196 Jenkins Lane Knoxville, TN 37934
Effective Date:	July 6, 2010
Prepared By:	Mitch Daugherty, CR # 2745 State Certified Residential Appraiser



810 Lourdes Lane
Knoxville, TN 37934
www.mkdappraising.com

MKD Appraising & Consulting
810 Lourdes Lane
Knoxville, TN 37922
865-966-3327 (Fax) 865-966-3326

July 06, 2010

Chad Garet Kennedy
1196 Jenkins Lane
Knoxville, TN 37934

Re: Property: Fox Road (Part of Map 143, Parcel 127)
Knoxville, TN 37922
File No. 1007004M

In accordance with your request, I have researched the data in the subject's market area. I have inspected the subject parcel and observed the surrounding properties and neighborhoods from the street. The purpose of this market data analysis is to determine the subject's impact on the surrounding neighborhoods values, if used as commercial property (marine/restaurant). The results are based on a physical analysis of the site, a locational analysis of the neighborhood and surrounding neighborhoods, and sales data on residential properties that have multiple sales before and after commercial use parcels came into existence.

The subject parcel is touching a commercial use parcel (boat marine) to the east of the subject property. Also, located to the west of the subject parcel on the same cove is a second commercial use parcel (boat marine & restaurant). The subject's neighborhood has already blended well with similar/same use properties as the subject property. Also, the public travel routes leading to the subject parcel are well maintained and of average size. It does appear that the travel routes would support and already supports similar/same use parcels in the area.

After review of all the data, it is concluded that if the subject parcel did become a commercial use property (boat marine/restaurant), it would not have a negative impact on surrounding neighborhoods. In fact, the market data reveals that the proposed use of the subject parcel would help increase surrounding neighborhood values and marketability. For example, the proposed use would add to the surrounding amenities in the area. Properties close by restaurants, parks, and boat storage, create ideal settings for buyers with in the market. This impacts demand, which in turn typically increases values.

Sincerely,



Mitch Daugherty, CR # 2745
Sate Certified Real Estate Appraiser

RESTRICTED APPRAISAL REPORT

Notice of Use Restriction: This is a Restricted Appraisal Report as defined and permitted by the Uniform Standards of Professional Appraisal Practice (USPAP). It cannot be properly understood without the additional information contained in the appraiser's work file. Its use is limited as follows: (a) to the client named herein and (b) for the specific use stated. *Use by unintended users (anyone other than the client for the specified use) is prohibited.*

Client and Statement of Intended Use

This Restricted Appraisal Report is prepared for our client Chad Garett Kennedy for the following intended use: **Subject properties' value impact on surrounding neighborhoods.** The appraiser has established that the client understands the limited utility of this Restricted Appraisal Report and has established that a Restricted Appraisal Report is suitable for their intended use.

Type of Appraisal

This is a Restricted Appraisal Report of a **Complete Appraisal** made according to the binding requirements and guidelines of the Uniform Standards of Professional Appraisal Practice (USPAP). This Restricted Appraisal Report is made based on instructions received from the client. I have performed all of the procedures of the Valuation Process required by the USPAP for a Complete Appraisal.

This is a Restricted Appraisal Report of a **Limited Appraisal** made according to the binding requirements and guidelines of the Uniform Standards of Professional Appraisal Practice (USPAP). I have performed all of the procedures of the Valuation Process required by the USPAP for a Complete Appraisal except those which the client instructed me to omit. These omissions, called departures, are permitted by USPAP and they are disclosed and explained below or in the addenda of this appraisal report. I have agreed to perform this limited appraisal service as requested by the client, and have advised the client about its limitations and that it may not be as reliable as a complete appraisal. The client agrees that the performance of this limited appraisal service is appropriate.

Identification of the Real Estate Being Appraised

Method of Identification: address legal description copy of survey property sketch

Survey attached.

Statement of the Real Property Interest Being Appraised

Fee Simple Other **The subject property is not being valued, nor will a value be stated.**

Statement of the Purpose of the Appraisal

The purpose of the appraisal is to estimate the Market Value of the property being appraised.

The purpose of the appraisal is to estimate the **Impact on surrounding S/D.** Value of the property being appraised.

Statement or Reference to the Definition of the Value Being Estimated

A definition of the value being estimated is attached to this report.

A definition of the value being estimated is **The subject property is not being valued.**

Description of the Extent of the Process of Collecting, Confirming and Reporting Data

General Data **Data used in determining the subject's impact on surrounding properties was taken from the following; Knox MLS data base, Court house records (www.crsdata.net), Subject survey provided by client, Property inspection of subject and surrounding neighborhoods.**

Comparable Sales, Rental and Cost Data **Sales of properties in the subject's market was researched and reviewed. Sales were taken from the Knoxville MLS and court house records. Sales reviewed were touching or close by commercial use parcels (before & after development).**

Subject Property Data **Survey provided by client, Knox MLS system, and www.crsdata.net.**

Statement of All Assumptions and Limiting Conditions Affecting Analyses, Opinions and Conclusions

A statement of ordinary assumptions and limiting conditions is attached to this report.

Extraordinary assumptions or limiting conditions are disclosed with statements of each opinion and value conclusion that is affected.

Statement of the Appraisal Procedures Followed

This report is of a Complete Appraisal. All of the steps of the Valuation Process were followed.

This report is of a Limited Appraisal. All of the steps of the Valuation Process were followed except for the following:
The subject property was not valued, therefore most of the steps of the Valuation Process were not completed.

Statement of the Appraiser's Opinion of the Highest and Best Use of the Property

In my opinion the highest and best use of the subject property is **If zoning is changed - Commercial Use**

Statement of the Exclusion of Any of the Usual Approaches to Value

Client's problem to be solved by appraiser is not a value conclusion of the subject property.

Reference to the Existence of Specific File Information in Support of the Value Conclusion

All of the information which is part of the appraisal is on file in the office of the appraiser and is available for inspection by the client, such third parties as may be authorized by due process of law, and a duly authorized professional peer review committee.

Date of Appraisal and Statement of the Value Conclusions

Cost Approach Conclusion **N/A Subject not valued.**

Income Approach Conclusion **N/A**

Sales Comparison Approach Conclusion **N/A**


Reconciliation **Again, the subject property was not valued. Subject's impact on surrounding properties was the problem to be solved.**

Estimated Value of the Subject Property as of the Date of the Appraisal **07/06/2010** is \$ _____

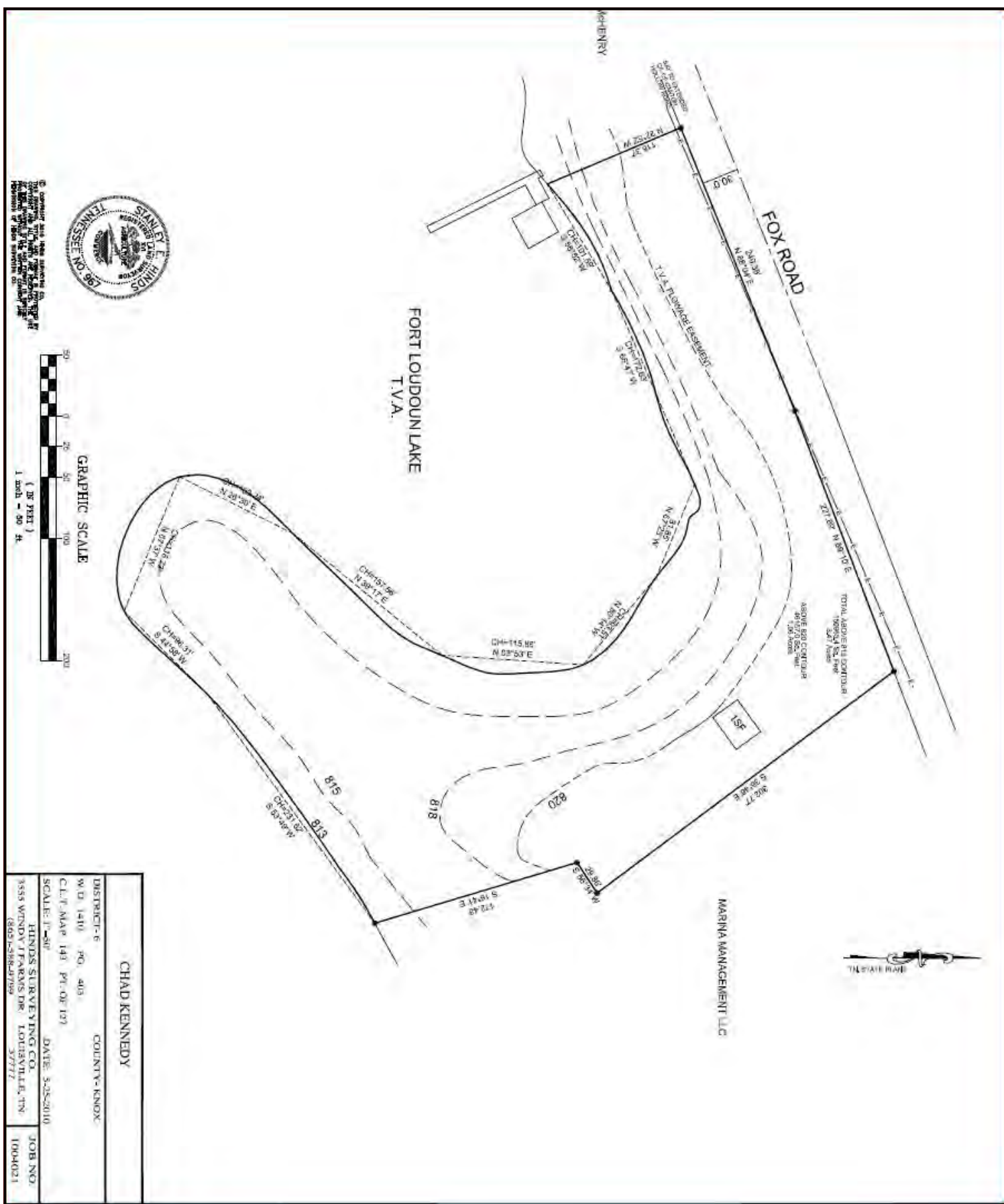
Statement of Compliance with USPAP

My analyses, opinions and conclusions were developed, and this Restricted Appraisal Report was prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) of The Appraisal Standards Committee of the Appraisal Foundation.

Date of Report and Signatures

Date of Report: 07/06/2010	
APPRAISER: Mitch Daugherty, CR # 2745	SUPERVISORY APPRAISER: _____
Address 810 Lourdes Lane	Address _____
City Knoxville State TN ZIP 37934	City _____ State _____ ZIP _____
I inspected the <input type="checkbox"/> interior <input checked="" type="checkbox"/> exterior of the subject property.	I inspected the <input type="checkbox"/> interior <input type="checkbox"/> exterior of the subject property.
Signature: 	Signature: _____
State TN Cert./License # 00002745 Expires 2/28/2011	State _____ Cert./License # _____ Expires _____
Date Signed July 06, 2010	Date Signed _____

Attachments: Limited Appraisal Disclosure; Value Definition, Certification & Assumptions; Photographs; Location Map; Property Sketch; Cost Approach; Income Approach; Sales Comparison Approach; Environmental Addendum; **3** # of Attached Sheets



6417970

18801

State of Tennessee

TENNESSEE REAL ESTATE APPRAISER COMMISSION

CERTIFIED RESIDENTIAL REAL ESTATE APPRAISER

MITCHELL KENT DAUGHERTY

This is to certify that all requirements of the State of Tennessee have been met.

ID NUMBER: 00002745

LIC STATUS: ACTIVE

EXPIRATION DATE: 02/28/2011



IN-1313

DEPARTMENT OF
COMMERCE AND INSURANCE

CEH001

42 letters
Same, but
different signatures

July 1, 2010

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

Re: Application of CGK, Inc. to Operate a Restaurant on Fox Road
Adjacent to Fox Road Marina

I am a resident of Knoxville TN and happy to see that Chad Kennedy has applied to operate a neighborhood restaurant on Fox Road adjacent to the Marina. A good neighborhood restaurant is needed in this area and will be another amenity for people who live here. In addition to the restaurant, there will be boat slips with access to the restaurant from land and water.

I am certain there will be some opposition based on traffic, etc., however the property Mr. Kennedy is proposing to put his restaurant on is bounded by the water, Fox Road, the Norfolk Southern Railroad tracks and is not adjacent to any homes. Additionally, it is adjacent to the Fox Road Marina and its use will be consistent with the surrounding property.

I hope you will be able to support his proposal.

Truly yours,

Joel M. Weather

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/7/2010 4:29:58 PM
Subject: Fwd: Fox Road Waterfront Restaurant

Re: Item 30 (FROM APPLICANT, SUPPORT)

>>> Chad Kennedy <chknn8@aol.com> 7/7/2010 4:14 PM >>>

Sent from Chad Kennedy's iPhone

Begin forwarded message:

> From: AEMC <aemckxtn@bellsouth.net>
> Date: July 7, 2010 4:01:02 PM EDT
> To: chknn8@aol.com
> Subject: Fox Road Waterfront Restaurant
>

> Chad,

>

> The attached map shows the roads and lists the mileage.

>

> Tan Rara subdivision shares a common border with
> the main line of the Norfolk Southern railway for 4,900+ feet
> which lies parallel to Fox Road.

>

> The Fox Road Waterfront Restaurant shares a common
> border with Fox Road for 228 feet.

>

> Sound level monitoring during the evening of July 6, 2010
> recorded a 109.5 db sound level. The microphone was mounted
> on a utility pole at the property boundary adjoining Fox Road.

>

>

> If we may be of further assistance please call.

>

> Best Regards,

>

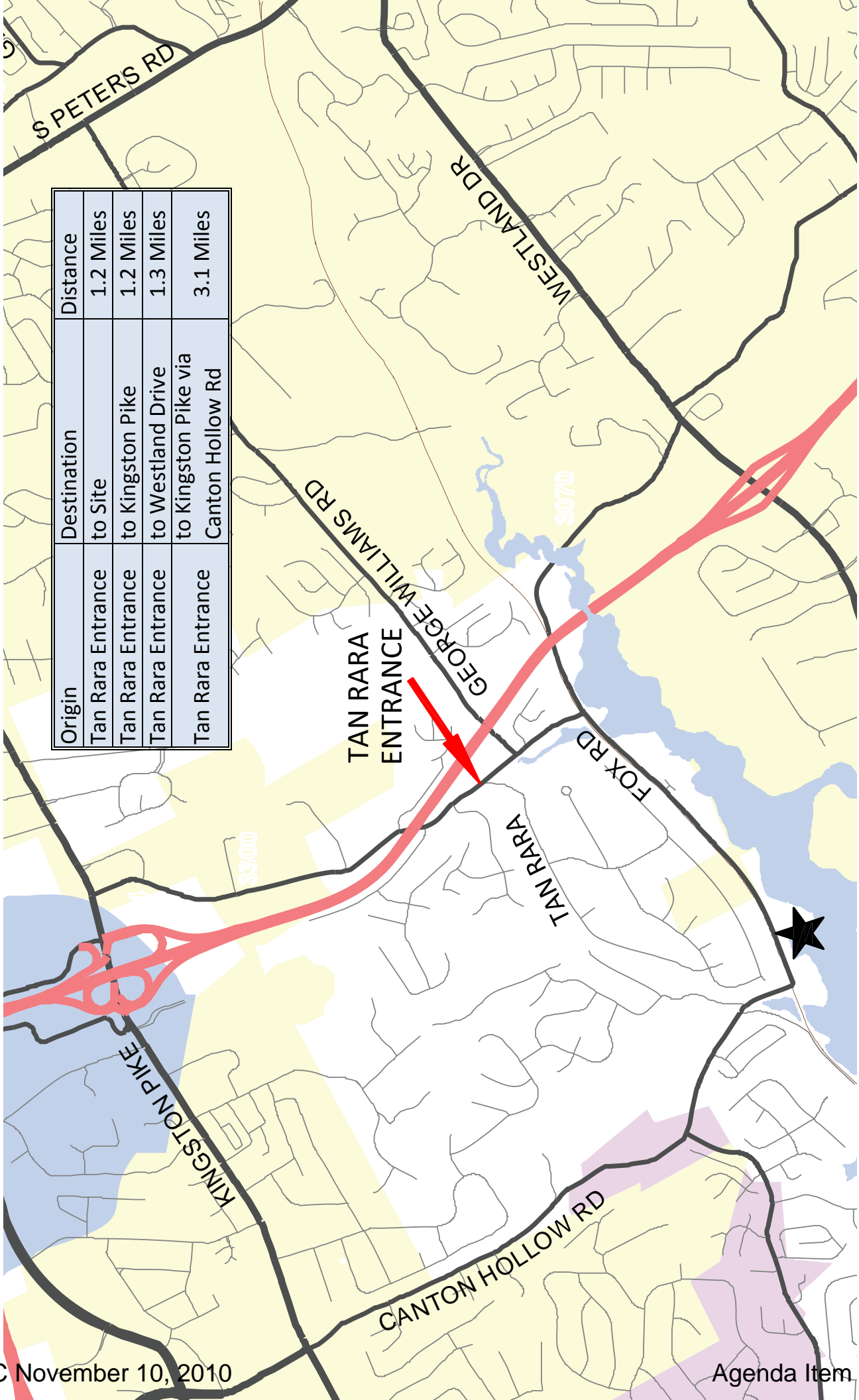
> Dr. JB Turnmire, PE

> for AEMC

> 588-6355

>

Origin	Destination	Distance
Tan Rara Entrance	to Site	1.2 Miles
Tan Rara Entrance	to Kingston Pike	1.2 Miles
Tan Rara Entrance	to Westland Drive	1.3 Miles
Tan Rara Entrance	to Kingston Pike via Canton Hollow Rd	3.1 Miles



★ FOX ROAD WATERFRONT RESTAURANT

July 7, 2010

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

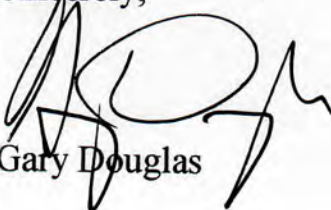
Re: Application of CGK, Inc. to Operate a Restaurant on Fox Road

To Whom It May Concern:

I am a resident in Tan Rara subdivision. I have lived at 10040 Casa Real Cove for 10 years. I am in 100% support of the request by Chad Kennedy to build a neighborhood restaurant on Fox Road.

The closest nice restaurants on the west side of Lake Loudon are Calhouns in downtown Knoxville and Calhouns in Lenoir City, each at least fifteen miles away. We need a restaurant on the water as it will meet a glaring need for local citizens.

Sincerely,



Gary Douglas

From: Sarah Powell
To: Betty Jo Mahan; Michael Brusseau
Date: 7/8/2010 8:26:36 AM
Subject: Fwd: New Fox Rd Marina and Restaurant - Michael Brusseau

>>> "Larry Pearsall" <larrypearsall@charter.net> 7/8/2010 12:57 AM >>>

Mr. Michael Brusseau, please do not allow the proposed marina and restaurant to be built on Fox Road. The noise and traffic (cars and boats) will change completely the quiet neighborhood we have in Tan Rara. I'm sure another site can be found that will not interrupt the quiet neighborhood existence that we have. Your consideration in this matter is appreciated. Larry Pearsall10221 El Pinar DriveKnoxville, TN 37922

July 1, 2010

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

Re: Application of CGK, Inc. to Operate a Restaurant on Fox Road
Adjacent to Fox Road Marina

I am a resident of 809 Emory Church Rd. and happy to see that Chad Kennedy has applied to operate a neighborhood restaurant on Fox Road adjacent to the Marina. A good neighborhood restaurant is needed in this area and will be another amenity for people who live here. In addition to the restaurant, there will be boat slips with access to the restaurant from land and water.

I am certain there will be some opposition based on traffic, etc., however the property Mr. Kennedy is proposing to put his restaurant on is bounded by the water, Fox Road, the Norfolk Southern Railroad tracks and is not adjacent to any homes. Additionally, it is adjacent to the Fox Road Marina and its use will be consistent with the surrounding property.

I hope you will be able to support his proposal.

Truly yours,

A handwritten signature in black ink, appearing to read "Frank Gumbly", with a long horizontal flourish extending to the right.

From: Sarah Powell
To: Betty Jo Mahan; Michael Brusseau
Date: 7/8/2010 9:38:28 AM
Subject: Fwd: Proposed Fox Road/Marina development

>>> Julia Christenson <juliachristenson200@gmail.com> 7/8/2010 9:39 AM >>>

Dear Mr. Brusseau,

Please reject the proposed restaurant/marina development on Fox Road. The existing nearby marina provides for area residents to enjoy the water.

The location is not ideal for such a development. The road itself cannot support it and the area around it is primarily residential. There would be no true benefit in pursuing a development.

The surrounding area of the proposed site is peaceful and naturally beautiful. Please do not allow disruption of such a wonderful example of East Tennessee beauty.

Thank you.

Sincerely,

Julia Christenson

From: Mike Brusseau
To: Betty Jo Mahan
Date: 7/6/2010 3:21:37 PM
Subject: Fwd: MPC Property.doc

Re: Item 30 (SUPPORT)

>>> "Jody McKenry" <jmckenry@tds.net> 7/6/2010 2:37 PM >>>
July 5, 2010

Metropolitan Planning Commission

Suite 403, City-County Bldg.

400 Main St.

Knoxville, TN.37902

RE: Application of CGK, Inc. to Operate
a Restaurant on Fox Road Adjacent to Fox
Road Marina.

I am the immediate property owner to the west of the property in question. My name is Betsy McKenry and live at 1124 Fox Rd. This property has been in our family for over forty years. I have lived here for forty-two years. Due to family issues, it has now become time to sale this property.

As the property owner closest to the proposed restaurant, I feel confident that Mr. Kennedy will ensure nothing but

the highest quality restaurant and the surroundings will be landscaped to further enhance the property. I also understand that a boatdock will be added so that people from land and sea might make use of his restaurant. I feel that can only be a positive attribute to our community. I understand that there has been some issue with regard to noise and traffic in regard to the restaurant. I have lived every day with a railroad track on one side and Fox Marina equipment on the other side. I cannot imagine that anything would generate more noise than those two things. I give my full support to Mr. Kennedy and his restaurant and feel that this is a positive step for our community. It can only be a benefit to the residents of our area.

, Betsy McKenry

FOX ROAD CORRIDOR STUDY

An Amendment to the Southwest County Sector Plan

RETURN TO CPO LIBRARY

Alternative "C"

Adopted by MPC: October 11, 2001

Adopted by City Council: November 13, 2001

Adopted by County Commission: November 19, 2001



MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Norman Whitaker, Executive Director
DATE: October 5, 2001
SUBJECT: Fox Road Corridor Study

Staff Recommendation:

Approve the Fox Road Corridor Study (Alternative C), amending the Southwest County Sector Plan.

Comments:

At the request of the Knox County Commission, the MPC staff initiated a land use study of the area identified as the Fox Road Corridor, in West Knox County. The purpose of the study was to examine this portion of the Southwest County Sector Plan in light of recent rezonings along Fox Road, south of Kingston Pike, and to determine if changes in the sector plan were warranted. The most recent rezoning involved a 5.3-acre parcel on the west side of Fox Road, which was approved on appeal by County Commission in May 2001.

MPC staff formulated the following three alternatives for the Fox Road Corridor Study:

Alternative A:

No change in the sector plan. The plan calls for commercial uses between Kingston Pike and Capital Drive, office directly south of Capital Drive, low density residential, and slope protection for steep sections of the area located along Fox Road to the south

Alternative B:

In this alternative, office is extended from its current boundary just south of Capital Drive to include all properties that front on Fox Road and have direct access to Fox Road. Office uses are extended down to the property that was rezoned to OB in May. The slope protection areas and some low density residential uses are also maintained.

Suite 403 • City County Building
400 Main Street
Knoxville Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

Fox Road Corridor Study

Background

At the request of the Knox County Commission, the MPC staff initiated a land use study of the area identified as the Fox Road Corridor, in West Knox County. The purpose of the study was to examine this portion of the Southwest County Sector Plan in light of the recent zoning changes along Fox Road, south of Kingston Pike, and to determine if changes in the sector plan are warranted. In the last two years, two tracts of land fronting on Fox Road have been rezoned from A (Agricultural) to OB (Office, Medical and Related Services). The most recent rezoning involved a 5.3-acre parcel on the west side of Fox Road, which was approved on appeal by County Commission in May, 2001.

Study Area Characteristics

The area included in this study extends from Kingston Pike, south to where Fox Road underpasses at Interstate 140. The study area includes parcels on the east and west sides of Fox Road.

The existing land use in the study area ranges from commercial and office uses on the north side of the study area along Capital Drive and Kingston Pike to agricultural uses, and single family residential south of the intersection of Capital Drive and Fox Road. The existing Southwest County Sector Plan (last updated in 1997) calls for commercial and office development along Kingston Pike and Capital Drive, and low density residential and slope protection for properties further south along Fox Road.

Fox Road is classified as a minor collector street and has a pavement width of approximately 20 feet. In 1999, the average daily traffic of Fox Road south of Kingston Pike was 2,174. Capital Drive is a local road with a 3-lane cross section that was built to collector standards with 70 feet of right of way and a pavement width of 32 feet. Donovan Lane is a local road.

Plan Alternatives

MPC staff formulated the following three alternatives for the Fox Road Corridor Study:

Alternative A:

No change in the sector plan. The plan calls for commercial uses between Kingston Pike and Capital Drive, office directly south of Capital Drive, low density residential, and slope protection for steep sections of the area located along Fox Road to the south (see Map Alternative A).

Alternative B:

In this alternative, office is extended from its current boundary just south of Capital Drive to include all properties that front on Fox Road and have direct access to Fox Road.

Office uses are extended down to the property that was rezoned to OB in May (see Background). The slope protection areas and some low density residential uses are also maintained (see Map Alternative B).

Alternative C:

This alternative proposes the extension of office from its current boundary just south of Capital Drive to include all properties that are adjacent to Fox Road on the east and west side of the road, including those properties to the east that may or may not have direct access to Fox Road. The office boundary is extended down to the properties that abut the Interstate 140/Fox Road right of way. The slope protection areas and some low density residential properties are also maintained (see Map Alternative C).

Citizen Comment

Two meetings were held to discuss these alternatives with area residents. Meeting notification cards were mailed to all property owners within the study area informing them of the date, time, and location of the two meetings. Furthermore, a press release was submitted to The Knoxville News Sentinel and the Metropulse. The meetings were held on August 30, 2001 and September 27, 2001 at Cokesbury Center on Kingston Pike. In addition the staff attended a meeting with the Council of West Knox County Homeowners in which the study was discussed. The comments received are summarized below:

- Left turns out of Fox Road onto Kingston Pike and left turns off of Kingston Pike onto Fox Road are very dangerous.
- Increased land use intensities will bring increased traffic.
- Road improvements need to be done before new development occurs. There was concern that the road improvements will not happen until after the development is in place.
- The creek within the study area would provide an excellent greenway opportunity.
- There is the potential for flooding along the creek, and development along adjacent properties might increase the flooding potential.
- Many of the lots are too narrow for office development.

Recommendations

The staff recommends Alternative C to amend the sector plan for this study area. Alternative C is recommended for the following reasons:

- 1) The slope protection area provides a natural buffer to prevent the office development from going further south. The right of way designation on the west side of Fox Road also prevents the office development from going further south.
- 2) The proximity to existing office/commercial properties along Kingston Pike.

- 3) The properties along Fox Road have exposure to Pellissippi Parkway (Interstate 140).
- 4) With the improvements noted below, office development becomes more attractive for these properties.

The staff makes the following recommendations as part of the sector plan amendment:

- 1) Office land use should be extended from its current boundary just south of Capital Drive to include all properties that are adjacent to Fox Road on the east and west side of the road, including those properties to the east that may or may not have direct access to Fox Road. The office boundary should be extended down to the properties that abut the Interstate 140/Fox Road right of way.
- 2) Pellissippi Parkway (Interstate 140) is designated as a Scenic Highway. As a result, any new developments along Fox Road should comply with the requirements of properties located in the vicinity of scenic highways.
- 3) New development should use landscape treatment to reduce the visual impact of new office development next to residential uses.
- 4) The creek that runs along the western boundary of the study area and Pellissippi Parkway (Interstate 140) should be reserved as greenway and incorporated into city and county plans for greenway development.
- 5) Fox Road needs to be improved to a 3-lane cross section with a center turn lane to accommodate increased traffic that may result from new office development. Fox Road needs to be reconfigured to serve as a right turn in/right turn out at the Kingston Pike intersection. This new arrangement will channel traffic to and force left turn movements to be made at the Kingston Pike/Capital Drive intersection where there is currently a traffic signal.
- 6) Any rezonings in the study area should be carefully considered with regards to traffic impacts. Rezonings that would cause a decline in the level of service of Fox Road or intersections with Kingston Pike should not be approved prior to implementing the necessary road improvements to accommodate for the traffic impacts.

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/2/2010 8:47:56 AM
Subject: Fwd: rezoning on Fox Road

Re: Item 28

>>> "Ken Chipley" <chipleykk@tds.net> 6/2/2010 4:45 AM >>>
Mr. Brusseau,

I want to express disapproval for any rezoning from residential for the property on Fox Road adjacent to Fox Road marina. This is on the agenda for June 10, 2010. We attend church at Westlake Baptist Church and live nearby. Any commercial use is inappropriate for this area.

Ken Chipley

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/2/2010 9:05:06 AM
Subject: Fwd: Rezoning of property beside Fox Road Marina

Re: Item 28

>>> "S.W. Jordan" <iamswj@yahoo.com> 6/2/2010 9:09 AM >>>
Mr Brusseau,

I am writing in strong opposition to the proposed rezoning of the property beside Fox Road Marina. I live at 1000 Fox Road and have experienced many traffic accidents due to speed and the lack of shoulders on this road. A tractor trailer's wheel dropped off the shoulder and turned over in my front yard, an ice truck turned over in the yard next door, a car ran through my front yard and hit the fire hydrant in my front yard. Also, many cars have gone off the bank and have run through my front yard. I have had at least 5 mailboxes destroyed. The speed limit on Fox Road is 30 mph., the average speed traveled down this road is probably 50 (yes many travel at a much higher rate of speed).

Fox Road cannot handle any more traffic! Especially with drivers that have been drinking.

I appreciate the property owners attempt to sell their property, but this cannot be done at the expense of the surrounding property owner's safety.

I ask that the MPC decline the request for rezoning.

Sincerely,
Suzan W. Jordan
1000 Fox Road

Tan Rara Oeste Homeowners Association

Making Tan Rara a Special Place to Live www.tanrara.org

John L. Carnduff, Jr.
Tan Rara Oeste Homeowner's Association
10212 El Pinar Drive
Knoxville, TN 37922

June 1, 2010

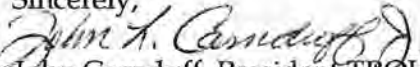
Mr. Micheal Brusseau
Knoxville / Knox County Metropolitan Planning Commission
Suite 403, City / County Building
400 Main Street
Knoxville, TN 37902

RE: MPC Files 6-A-10-SP and 6-C-10-RZ (1104 Fox Road)

Dear Mr. Brusseau,

Request the comments below be taken into consideration by the MPC:

- First, our greatest concern about rezoning of the property to Rural Commercial, and the subsequent development for a restaurant and water sports rentals is the characteristics of Fox Road in the vicinity of the Fox Road marina. For the most of us who have lived in this area, we recognize the narrow Fox Road with its' soft/low shoulder is a concern for the safety of drivers. If the area at 1104 Fox Road is allowed to be developed from the current agriculture use, we believe the increased traffic and the danger for those who would be turning in/out of a restaurant, development served by Fox road in that area will present significant challenges for safe motoring. We walked the lot with the perspective developer and his lawyer last month, and it is clear that along with the low / soft shoulder that the low point in elevation at 1104 Fox Road where traffic would enter or exit would delay some drivers from seeing on-coming traffic.
- Second, despite the assurances of Mr. Kennedy that he would build and operate a "family style" business (whose impact he believes would be minimal to the neighborhood), if the property is rezoned to "Rural Commercial" it could also turn into something not desirable in close proximity to our homes. I would ask you to consider if you would like a restaurant/bar next to your back yard and imagine our concerns.
- Third, there is skepticism that a restaurant away from the normal flow of traffic may have a poor survival chance, and we do not want an empty business to look at. There is no shortage of restaurants on Kingston Pike and on Northshore Drive - none of them impinging upon the quality of life in these established residential areas.
- Fourth, the restaurant may also include a patio, live entertainment, and may serve alcohol. If so, the noise from those performances is likely to bring an unsatisfactory increase in the noise level over the existing road/rail traffic - and potentially well into the night. Judging from the location of the intended restaurant site, the noise impact would be to the subdivisions of Tan Rara, Lovell Hills, and Lakewood, as well as the homeowners along the north side of the Sinking Creek.
- Finally, this proposal is inconsistent with other restaurants in west Knox County that are close to the river. For example, the Lakeside Tavern is positioned away from homes, and offers them the opportunity to provide entertainment to their guests without impinging on the quality of life of nearby homeowners.

Sincerely,

John Carnduff, President TROHA

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/2/2010 2:05:32 PM
Subject: Fwd: Fox Rd. Rezoning

Re: Item 28

>>> <csdbeach@comcast.net> 6/2/2010 2:09 PM >>>

Dear Mr. Brusseau,

It has come to our attention about a proposal to rezone Fox Rd. to build a sports bar/restaurant. Our family travels this road frequently and spends time in this area with several friends we have who live on this cove or have boat access there. We are very concerned about this.

The type of atmosphere that would be created by the noise, traffic, and alcohol is not at all appropriate for this quiet residential section of Knox County. Many homes on the cove and in nearby neighborhoods would hear the noise. It is my understanding the proposed business would be open 7 days a week.

Fox Road is already a very dangerous road as are 2 of the 3 roads leading to this section of Fox. Two of the three roads leading to Fox require you to go over railroad tracks to get onto Fox Road. Fox Road is narrow with virtually no shoulder. Any widening of Fox Road would greatly infringe on the properties of those who live on this road. Several of the homes are already very close to the street. The danger posed by drinking in a bar atmosphere to the recreation in the cove and the surrounding roads and neighborhoods is great. No doubt the noise, including late night noise, will carry over the water and be heard by many surrounding neighborhoods. I live off Ebenezer and Blue Grass Roads and can sometimes hear noise from this cove.

This is so unfair to those who have homes and investments in their homes in this area.

Please do not allow this to happen to these families and neighborhoods. It is a quiet, peaceful family area. Lakeside Tavern, which is across from this area on the lake on Northshore, Drive, is not a rowdy, bar like atmosphere.

Thank you for your consideration in this matter.

Sincerely,

Cathy Davidson

Allen Davidson

9227 Mirkwood Drive

Knoxville, Tennessee 37922

865-539-6583

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 8:07:55 AM
Subject: Fwd: rezoning of property

Re: Item 28

>>> "Dale Bradley" <dsbradley@tds.net> 6/3/2010 7:57 AM >>>

I would like to register my concern about the property beside Fox Road Marina being rezoned to commercial use. I am a member of First Baptist Concord at WestLake and have friends who live on Fox Road. I travel Canton Hollow and Fox Roads and know that they are extremely dangerous. The roads are narrow and winding and have no shoulder. One of the two railroad crossings does not have crossing bars. I feel that it would be completely irresponsible to approve a business, especially one serving alcohol, that would attract travelers to that area. Please consider the safety of the residents and those who travel those roads.

Respectfully,
Dale Bradley

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 8:08:28 AM
Subject: Fwd: File Number: 6-A-10-SP (CKG, INC.)

Re: Item 28

>>> "Steve and Andrea Hagood" <sahagood@charter.net> 6/2/2010 10:00 PM >>>
Mr. Brusseau,

We live at 914 Fox Road and are opposed to the rezoning of the property at 1104 Fox Road for the following reasons:

Restaurant and Bar - continually serving alcohol and food (to operators of cars and boats); this type of use is completely "out of character" for this location in Knox County

Noise - the smallest sounds travels long distances over water; noise will come from restaurant patrons, music (inside and out), vehicles, rented watercraft and alcohol related activities of the restaurant and bar

Future owners of the property - if commercial use allowed, future owners/operators would not be restricted to the proposed operations

Precedence - since the current property owners (McKenry) are very elderly and own adjacent property, allowing commercial use of this portion of their property could set a precedence for future rezoning of the remainder of their property

No Commercial Development within several miles - commercial use would be totally "out of character" for this area of Knox County which consists of many residential subdivisions and neighborhoods

Fox Road Marina rezoning (grandfather use) several years ago - owner came to neighbors and explained improvements to old run down facility damaged by a summer storm; this was a grandfathered non-conforming property use

Narrow Roads - Fox Road (18 ft wide with no shoulder; steep drop-off both sides) and Canton Hollow Road

Access Only on Two Roads - Fox Road and Canton Hollow Road; all surrounding densely developed residential

30 MP Speed Limit - all neighborhood roads in area

Boat Trailers - too narrow for the neighborhood roads now (Fox Road Marina)

Wreck History - Canton Hollow Road and Fox Road ; we can share our firsthand experiences on Fox Road

Rail Road Crossing (adjacent to this site where Fox Road and Canton Hollowmeet) - no crossing bars

Rail Road Crossing (half mile east at Fox Road) - increased traffic hazard

Lakeside Baptist Church - few hundred yards to east (on Fox Road)

Westlake Church - half mile east (Fox Road/West Emory Church Road)

West Emory Presbyterian Church - half mile east (Fox Road/West Emory Church Road)

Greenway Middle School - half mile north on Canton Hollow Road

AL Lotts School - mile east (Westland Drive)

Traffic Increases Recently - short cut from neighborhoods to Turkey Creek Development (Canton Hollow Road turns into Lovell Road)

Lakeside Restaurant (at Concord Boat Dock) - already exists on the lake off Northshore Drive near Westland Drive

Thank you. You are welcome to call or email us.

Steve and Andrea Hagood

914 Fox Road

Knoxville, Tennessee 37922

865-671-2777

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 8:08:54 AM
Subject: Fwd: commercial rezoning of fox rd property

Re: Item 28

>>> Thomas Haws <tfhaws@yahoo.com> 6/2/2010 9:01 PM >>>
Dear Michael:

This message is in response to proposed rezoning of Fox Road property for commercial purposes--i.e. sports bar or other such purposes. This road and adjoining area are totally unsuited for commercial purposes. This area is predominately residential and the road in question is extremely narrow and can barely accommodate two small cars on either side of the road. Shoulders are non-existent on both sides and the added traffic of a restaurant and Sports Bar is a recipe for disaster. I must tell you that every resident is opposed to this use and will oppose this proposal with all resources that are available to us. Please do not allow this plan to move forward.

Tom Haws
828 Fox Rd

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 8:10:07 AM
Subject: Fwd: MPC rezoning request CGK Fox Rd

Re: Item 28

>>> JC <johnandvalarie@yahoo.com> 6/2/2010 10:48 PM >>>
Mr. Brusseau,

I am writing to voice my opposition to the proposed rezoning on the southeast side of Fox Rd. Nothing about this rezoning would be positive. In my opinion, this area cannot stand this type of development because of safety reasons, and the inappropriateness of this kind of development immersed in such a large residential area. Fox road is too narrow to sustain the extra traffic without a major increase in accidents. Patrons driving this road under the influence of alcohol is a horrible idea (if the rezoning applies to a "bar and grill").

I live in Lovell Hills and we use this (Fox) road everyday. I have 5 children. We drive a 10,000 pound Ford Excursion. The road is so narrow, my wife actually smacked side view mirrors with another large Ford Truck. Please do not grant this rezoning request.

Sincerely,

John Cressman
903 Trent Ln
Knoxville, TN 37922
865-712-6709

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 8:10:42 AM
Subject: Fwd: Rezoning of Property Beside Fox Road Marina

Re: Item 28

>>> Teresa Willis <teresashouse@charter.net> 6/3/2010 7:01 AM >>>
Mr. Brusseau:

We are against the rezoning of this property to include a sports bar and restaurant on Fox Road. We have been members of Lakeview Missionary Baptist Church on Fox Road for over 36 years. We use the lake to baptize our new members. The volume of traffic on Fox Road is already very high and you add alcohol to that factor, we could possibly see a lot more car accidents as well as boating accidents. We certainly oppose to this rezoning and pray you get many more e-mails to oppose as well.

--

Teresa & James Willis
Members, Church Clerk & Deacon of
Lakeview Missionary Baptist Church

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 8:13:24 AM
Subject: Fwd: Fox Rd Rezoning:

Re: Item 28

>>> "Pam Hall" <phall@townoffarragut.org> 6/3/2010 8:18 AM >>>
I am very much against the idea of a sports bar on Fox Rd. We attend Lakeview Baptist Church on Fox Rd and the traffic on this narrow road is already out of control. With the railroad tracks on the one side & people's houses so close on the other side it would be unlawful to take what little yard these people have to improve the road to put something in the community that we don't need or want. Thank you for your careful consideration of this matter.

Sincerely,

Pam Hall

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 9:02:13 AM
Subject: Fwd: Fox Road Rezoning

Re: Item 28

>>> <davidseals5@charter.net> 6/3/2010 9:06 AM >>>

Dear Mr. Brusseau,

As residents of Fox Road, we strongly oppose the converting of residential property on our road to commercial use. Access to this area is by very narrow roads with no shoulder and steep drop offs. This area is densely residential and changing the zoning to would be completely out of character for this area of Knox County. I appreciate your time and consideration in this matter.

Thank you,
David Seals

David E. Seals
Certified General Real Estate Appraiser
822 Fox Road
Knoxville, TN 37922
865-389-5467
Fax 865-288-3469

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 9:35:57 AM
Subject: Fwd: Proposed Rezoning on Fox Road

Re: Item 28

>>> Richard McNabb Jr <mcnabb@tds.net> 6/3/2010 9:17 AM >>>

Dear Sir:

I found out about this rezoning request just last night and must say I was surprised. The project seems so incompatible with the character of our existing neighborhood, inappropriate for the proposed parcel of land, and unsupportable by the existing infrastructure (roads).

I really am much opposed, and hope that the change will be denied!

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 9:37:02 AM
Subject: Fwd: 1104 Fox Road rezoning hearing

Re: Item 28

>>> Jim Warren <jim@jfwmarketing.com> 6/3/2010 9:29 AM >>>
June 3, 2010

Subject: rezoning of property at 1104 Fox Road

Dear Mr. Brusseau:

It has come to our attention that Knox County is considering rezoning the McKenry farm located at 1104 Fox Road from Agriculture to Commercial, in anticipation of a restaurant and sports bar being built on this property. As nearby residents, we are adamantly against this proposal. This is a residential area with no commercial businesses (except for Fox Road Marina which obviously needs to be located on the water and was grandfathered into current zoning regulations). Most of us purchased our properties on Sinking Creek for the peace and tranquility of living on the water. A restaurant and bar will generate noise which carries a far distance over open water. Another concern is traffic, Fox Road is very narrow and has no shoulder. With the additional traffic we already have from people cutting through to the Turkey Creek shopping area, we frequently see accidents, particularly at the intersection of Fox Road and Canton Hollow Road. As a final point, access to this portion of Fox Road is only through residential areas using either Canton Hollow Road or Fox Road, there are no commercial businesses for several miles.

We strongly urge the commission to deny this request, as this is not a suitable nor appropriate location for a restaurant or bar.

Sincerely,

James and Wendy Warren
900 Fox Road
Knoxville, TN 37922

865-966-2277

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 3:21:18 PM
Subject: Fwd: Rezoning Request of Property beside Fox Road Marina

Re: Item 28

>>> Ashley Healy <healyash@hotmail.com> 6/3/2010 11:49 AM >>>

I wanted to voice my strong opposition to the rezoning of the property beside Fox Road Marina to rural commercial. We live at 920 Harbor Pointe Way and feel that having a sports bar or restaurant on Fox road would be dangerous, disruptive and in complete discord with the residential area. As a mom and a homeowner I worry about the dangers of intoxicated drivers, the increased traffic on such a narrow and dangerous road, noise and pollution. Please do not allow this rezoning to pass. Thank you, Ashley Healy

Ashley Healy

Healy Homes LLC
920 Harbor Pointe Way Knoxville, TN 37922

Cell: 865-679-0780

Fax: 865-675-2344

Email: healyash@hotmail.com

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From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 3:22:09 PM
Subject: Fwd: Rezoning Property / Fox Road

Re: Item 28

>>> Lori McCollum <loriamcc@yahoo.com> 6/3/2010 2:26 PM >>>
Dear Mr. Brusseau,

I am writing to you as a concerned resident of (West) Knox County. It is my understanding that there is a request to rezone the area around Fox Road and Canton Hollow road from Low Density Residential to Rural Commercial. I understand that this request is being made by CGK, Inc. in order to open a Restaurant which would be serving alcohol to operators of cars and boats.

Although I do not live on either of these roads, I do frequently use them to travel to Kingston Pike and the Turkey Creek area. My concern is that the roads are narrow, have curves and no shoulder on either side. In addition, it is very difficult to see at night because it is so dark. The other added element of danger is the railroad crossing with no gate.

My greatest concern is for the safety of those that live and/or travel Fox Road and Canton Hollow Road. We currently have the traffic of the existing homeowners, the increase of traffic due to people like myself that use these roads as a shortcut, and now the added potential to increase traffic with patrons leaving this Restaurant after having consumed alcohol.

Besides road safety, there are other issues as well such as churches and schools nearby, noise generated from additional boat/watercraft traffic, music or other alcohol related events. If I were a resident, I would have strong objections to these issues as well. However, since I am not, I feel that it is only fair for me to comment on what I feel would affect me and that would be my personal safety. I would never be able to drive down either of these roads again without worrying as to whether the person coming from the opposite direction was under the influence of alcohol.

Thank you for taking the time to read my email. Your consideration is greatly appreciated.

Regards,
Lori McCollum
903 King Charles Way
(8630 Westland Drive)
Knoxville, TN 37923
691-6304

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 3:24:22 PM
Subject: Fwd: fox rd rezoning

Re: Item 28

>>> "Greene, Mary J." <MaryJ.Greene@caremark.com> 6/3/2010 2:27 PM >>>
Hi Michael,

My name is Jane Greene and my husband is the pastor at Lakeview Baptist Church located at 932 Fox Rd. Which is located just up the road from where they are trying to get rezoning done to but a sports bar.. I am outraged that someone would even think about putting a sports bar in a neighborhood with children and families live let alone churches be close by.. I am pleading with you and the rezoning committee not to okay this by any means, it would be a disgrace to you and the committee if you let something like this happen. I appreciate you taking time to read this e-mail and if you would like you can e-mail me back.

Sincerely
Jane & Clint Greene

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 3:28:14 PM
Subject: Fwd: opposition to the commercial rezoning of Fox Road Property

Re: Item 28

>>> "Cecile Collins" <CCollins@ArbysKnoxTN.com> 6/3/2010 2:29 PM >>>
I am opposed to the commercial rezoning of the Fox Road Property. I live in Lakewood Subdivision off Westland and travel Fox Road often. Fox Road and Canton Hollow Roads are not wide enough to accommodate any traffic increases. These roads are already too heavy during the school year with children being shuttled to AL Lotts and West Valley. Please vote against the rezoning of this property.

Thank you,
Cecile Collins
1008 Bream Drive
Knoxville, TN 37922

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 3:29:06 PM
Subject: Fwd: Rezoning on Fox rd.

Re: Item 28

>>> <fab928@aol.com> 6/3/2010 2:29 PM >>>
Dear Mr. Brusseau,

We have just learned of the possible commercial rezoning of a parcel of land on Fox rd. I am surprised that this is even being considered. Fox rd. is a narrow two lane road with a great deal of traffic and 30 mph which is rarely observed. We live at the railroad crossing and I cannot tell you how many times the previous guard rail has been hit and how much landscaping and trees have been knocked down. How on earth would anybody consider it a good idea to have a bar and restaurant when the access roads are either Fox rd. or Canton Hollow rd.? Please, please, please do not allow this to go through.

Sincerely,
Bernadette McNabb
804 Fox rd.
Knoxville, TN. 37922
(865) 966-2976

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 3:30:11 PM
Subject: Fwd: Rezoning of Fox Road

Re: Item 28

>>> Robbi Schrimpsheer <rschrimp@charter.net> 6/3/2010 3:23 PM >>>
Dear Mr. Brusseau:

We are writing to protest the Rezoning of Fox Road.

Our family has been members of Lakeview Baptist Church on Fox Road for over thirty years. Over the years we have watched things change for the worse on that road from way too many cars that absolutely fly by the church to cars circling the church with their radios turned up so loud it disrupts the services, to cars using the church parking lot to sit and drink their booze and throw their bottles and cans out all over the the place.

It is sad enough to have to put up with the drunken boaters yelling and carrying on right behind our church during services and baptisms but now they are wanting to rezone to add a Sports Bar and even more traffic and more people under the influence of alcohol getting in their vehicles and possibly running down one of our congregation's children before or after services or youth meetings or youth get togethers or Vacation Bible School???? That is just ridiculous!

We had a beautiful 16 year old niece who was leaving a church meeting in Lenoir City and was killed by a drunk driver that left a Sports Bar way too intoxicated to drive yet he got behind the wheel anyway. He not only ran over her, he fled the scene of the crime and went to another bar to hide out from the police but luckily a witness followed him and called it into the police. Her death devastated our whole family and our family has never, nor will ever, be the same! We hope no one ever has to go through the hurt and pain our family has suffered from such a senseless tragedy that could have been prevented!

God's house is supposed to be a place where you can come worship and learn about God and His precious Word. It is supposed to be a refuge, not a place where you are afraid to walk outside the church for fear of someone who has had too much to drink possibly running over you or your family or being afraid to park your car at church for fear that some drunk will come out of the bar and side swipe it, not to mention the noise the Sports Bar itself will bring from outdoor patios and the loud music.

We are requesting (begging) this rezoning be stopped immediately!!

Please feel free to contact us if you should need to meet with us or anyone from our church and thanks so much for your attention to this email.

Sincerely,

Mike & Robbi Schrimpsheer

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 3:31:04 PM
Subject: Fwd: Fox rd. developement.

RE: Item 28

>>> Chadwick Bill Ferrell <cferrellfishn@yahoo.com> 6/3/2010 3:28 PM >>>

We DO NOT want another alcohol serving facility in sinking creek cove! Canton hollow and fox rd are strained with traffic as is. These have been considered "backroads." since they were built. Boat traffic is eroding away the tva and county park properties, we do not need anymore boat traffic in that cove as well. Chadwick Ferrell, resident.

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/3/2010 4:24:09 PM
Subject: Fwd: commercial rezoning on fox road

Re: Item 28

>>> Dave Healy <healydave@hotmail.com> 6/3/2010 4:22 PM >>>

Mr. Brusseau,

I would like to take this opportunity to voice my opposition to the rezoning request regarding the property on Fox Road. My family and I live less than a mile from the property in dispute. Not only do I believe it to be "out of character" for this area, in that there are no other commercial properties located within a considerable distance other than the marina, but my primary concern is for residents of this area if an establishment that serves alcohol on a daily basis is to be erected on this site. There are too many residents in subdivisions and homes along Canton Hollow and Fox Road that would be endangered by intoxicated drivers, my wife and son included. I am in full support of more restaurants/bars on the lake that can be accessed by boats, but there are many locations more fitting than the middle of an almost strictly residential area. I ask the MPC to please vote "No" on this request.

Sincerely, David Healy

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JUN 4 2010

WILLIAM H. STARNES, JR.
LtColonel, USAF (ret.)

10216 El Pinar Drive
Knoxville, IN 37922-4159
Home Telephone (865) 966-8060; FAX (865) 966-8061; Cellular (865) 719-7848
Email: starnes@tds.net

June 1, 2010

MPC Commissioners
Knox County/Knoxville Metropolitan Planning Committee
Suite 403, City/County Building
400 Main Street
Knoxville, Tennessee 37902

RE: MPC Files: 6-A-10-SP and 6-C-10-RZ
Location: 1104 Fox Road, Knox County, Knoxville, IN 37922

SUBJECT: Rezoning Request to A to CR or Rural Commercial

Ladies and Gentlemen:

Please provide a copy of this letter to all members of the Board as well as all staff associates associated with preparing documents and background for the forthcoming subject hearing.

Informal information reveals that the Fox Road Marina business was chartered in the late 1950s following the development of the Tan Rara Oeste neighborhood. It is understood that the rezoning request by the business developer was not countered by the then limited number of resident/owners in Tan Rara Oeste. I feel certain your Committee has researched this matter and has the definite dates of the establishment of both the Tan Rara Oeste community and the business now known as the Fox Road Marina.

This assumed rezoning by the Fox Road Marina *"infringed"* on the *"quite privacy"* of an *"established"* residential neighborhood without their permission. Quite understandably this situation could have occurred due to the fact that at that time the Tan Rara Oeste community construction had not developed either overlooking or expanding along Fox Road. Nevertheless, should this be the case a business rezoning and development *"set a precedence"* that the neighborhood of Tan Rara Oeste cannot accept. Furthermore, the Tan Rara Oeste residents should not be made to accept that a business might move in as *"grandfathered"* just because the adjacent Fox Road Marina business exists and has been in operation for a considerable number of years. Moreover, *"further encroachment"* of our *"quiet privacy"* is not acceptable.

Knox County history has revealed that a business development adjacent to an *"established"* residential neighborhood *"drives down"* residential property values. In this instance our community contains over 200 family residences. Either the Metropolitan Planning Commission or the County Commissions should not subject Ian Rara Oeste homeowners to *"inverse condemnation"* by changing the zoning in question. Our concern also questions what either the Metropolitan Planning Commission or the County Commissioners will next allow adjacent to our homes – a gas station, a kennel, a manufacturing plant, a re-cycling facility, etc.

Respectfully submitted,



William H. Starnes, Jr.
LtColonel, USAF (ret.)

WHS/rw

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/7/2010 8:39:13 AM
Subject: Fwd: Commercial rezoning of McKenry property adjacent to Fox Road Marina

Re: Item 28

>>> <jjfarragut@aol.com> 6/3/2010 9:47 PM >>>

Mr. Brusseau,

My name is Judy Jenkins and I live and own property at 1131 Jenkins Lane, property that is within eyesight of the proposed commercial rezoning. I'm 62 years old and my family has lived here since around 1940, also about the time William Stone and his wife, Ruth, built the house Mr. and Mrs. McKenry live in now. I've ridden over and driven on these roads for so long that I know every foot of Canton Hollow Road to Fox Road and back across the tracks to Kingston Pike. I've walked a lot of it and rode the school bus along the same roads twice a day for 12 years. This is an emotional situation for me, and I'm going to be wordy because there are few people living in this immediate area that have my knowledge of the history of the area. I've been in the large white house many times prior to the McKenry ownership and have even spent the night there. Today, I sometimes catch a peak at the blue heron that sits in that little cove watching for his next meal.

First, the McKenry's are good people, but rezoning the property will turn an already heavily traveled neighborhood into a nightmare. I also understand this rezoning pertains to a portion of the property but not all of it. I suspect it will not be very long at all before you will be petitioned to rezone the rest of the property to commercial.

This area is one of the few suburban areas retaining rural qualities and recreational opportunities, all the while just a short distance from fabulous shopping, eating, and medical care. It is understandable that they want to profit from their investment, especially when the property requires heavy maintenance. The Stone family had one and sometimes two men to maintain that property. It is beautiful and I don't understand why the entire property has not been offered up for residential sale. It is really sad to me that they are possibly leaving this neighborhood in worse condition than they found it when they moved in about 40 years ago.

Our narrow roads are jammed with too many vehicles now. I've come within a whisker of being sideswiped many times by people that travel these blacktop ribbons at unmanageable speeds. As they try to keep from running off the road, they seem willing to take me out in process. It is really scary at certain times of the day to travel the portion of Fox Road between the crossings.

It would be dangerous for taxpaying homeowners to be further endangered by a driver that had one too many, and the law of probabilities says that will happen if a bar opens up nearby. Also, one or more school buses travel by this property daily when school is in session. The crossing at the McKenry property is unmarked with crossing arms. One of my people watching habits when I'm out mowing or walking the dogs or picking up my mail is to stop and see how many cars will try to skirt across the tracks before the train gets to the crossing.

These back roads are cut throughs for people living in the Gettysvue/Bluegrass areas and for teenagers driving to and from home and school at Farragut. Moms travel these roads to carry their children to A. L. Lotts and West Valley. I hope someone in your department will take the time to count the number of cars that sit at the crossing when the trains come through the area. On my travel to work during the morning hours, I have sat and waited as a stream of cars coming from Westland make a right turn from West Emory/Fox onto the section of Fox headed toward Kingston. People coming from Fox also sit and wait to make a turn right or left turn across the tracks. My point is the neighborhood roads were never meant to carry to the level of traffic a commercial business will generate at all hours, particularly late at night. There are places on Fox Road that will be impossible or nearly impossible to widen. There's a lake on one side and track on the other. A portion of the property in question is a good example.

I personally have no problem with someone enjoying drinks and partying with friends as long as that place is in a public area with wide streets, good lighting, and other businesses nearby. It helps if law enforcement is nearby. As many of us know that have lived in this area for a while, good luck on getting help in a hurry. The county resources are stretched as it is.

I enjoy having a meal at Lakeside Tavern at Concord Marina (also visible from where I live), but that restaurant is in a place that is removed from the backdoor of neighborhoods and sits on enough land that it is not a menace to others. It also generally attracts a mature crowd and from what I've learned about the potential business, it is not likely to be so quiet.

If you have not already been made aware, the area near the Fox Marina is a popular play spot for boaters and jet skiers. It is located no more than a mile from the Concord Marina and water traffic is heavy. It is a quite area for a family to anchor near the shore. In the last 10 years or so, I remember a fishing boat was overrun by another board just a few feet from the McKenry home and property. The fisherman was killed. I don't know what caused the accident but too many boats and in a tight space surely had something to do with it. This commercial business is going to make it worse.

Many people have invested hundreds of thousands of dollars and, in a few cases, a million or more to live in this relatively quiet area. Please do not allow it to be spoiled by unnecessary commercial activity. There are dozens of restaurants of all kinds just a short drive from the property. So it is not a shortage of places to eat or drink that necessitates a business in an otherwise residential area. Anyone on a boat that wants a good meal can go to Concord Marina or travel elsewhere on the water.

My opposition to this commercial zoning is unrelated to change. Anyone that has lived in SW Knox County as long as I have understands change is inevitable and some of it is absolutely wonderful and has altered our life styles in many positive ways. In this instance, though, it is unclear what a sports bar/restaurant that will add to the community that we do not already have. Please carefully consider the loss of quality of life, the potential loss of property value, and the potential personal property damage that come with increased accident levels increase.

I fail to see how anyone in the community will benefit from this rezoning other than the McKenry family and the businessmen that are looking forward to adding dollars to their bottom line. We are invested in this community. It is our home. We didn't arrive with the recent population boom in SW Knox County. Some of the homes in Tan Rara, for example, have been there 40 years or longer. Please do not destroy our residential neighborhood. Please do not put us at risk for all the possibilities a commercial business will bring. Let these businessmen take their opportunities to an area that can handle all the stress they are attempting to place in our lives!

Thank you,

Judy Jenkins
1131 Jenkins Lane
Knoxville, TN 37934
865-966-9920
jjfarragut@aol.com

June 3, 2010

Ron and Melinda Sparks
Tan Rara Oeste Resident
10224 El Pinar Drive
Knoxville, TN 37922

Mr. Micheal Brusseau
Knox County / Knoxville Metropolitan Planning Committee
Suite 403, City / County Building
400 Main Street
Knoxville, TN 37902

RE: MPC Files: 6-A-10-SP and 6-C-10-RZ (1104 Fox Road, Knox County)

Dear Mr. Brusseau,

My wife and I would like to respectfully request that the concerns addressed in this letter be taken into consideration by the MPC and a copy be distributed to all those involved in the decision making process as it relates to the above referenced file numbers.

Our biggest cause for concern regarding the possible rezoning of the above mentioned property, is the proposed use to establish a restaurant and water sports rental facility. This gives us grave concern for the safety of all who travel or would travel this area of Fox Road. Fox Road is a very narrow road with very little room for error due to homes being very close on one side and constrained by the railroad tracks on the other. This road has a very soft shoulder and the area for entering the proposed establishment would dramatically impede proposed patrons from having a clear view of on-coming traffic. The increased traffic that would result from such business operations would only exacerbate an already dangerous stretch of road that is frequently used by school busses, bikers and joggers.

Another consideration would be that this restaurant would include an outdoor area for "live" entertainment and as is the norm for most of the restaurants on our lakes, alcohol will most likely be served. This not only ties back to our first concern, but how many homeowners do you know that would enjoy having a bar with loud music practically in their backyard. Our home would have a direct view of this establishment and would most likely prevent us from enjoying our evenings in our backyard, which was one of the main reasons we purchased this home. Having looked at the probable location of the restaurant the noise level would affect many homes, not only in Tan Rara, but other homes and subdivisions in the area. I would ask that you take note of the other restaurants located on lake and their location as it relates to nearby homeowners.

As a final thought, this is also a wildlife refuge and allowing the rezoning to pass would severely impact the beauty and livelihood of the wildlife that make this area their home. We would also like to request that before voting on this matter, that several members of the MPC drive this road at different times of day (especially at night) and on weekends. We think that this will bring clarity to our concerns as it pertains to the safety of those who travel Fox Road.

Melinda and I would like to thank you for your time and consideration afforded our concerns. We live in a beautiful area of Knox County and would like to see it stay that way.

Sincerely,

Ron and Melinda Sparks

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/7/2010 8:41:46 AM
Subject: Fwd: rezoning Fox Rd.

Re: Item 28

>>> <sea820@aol.com> 6/4/2010 12:08 AM >>>

There is too much traffic on this Rd. already and it is not a good idea having it close to our church.

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/7/2010 8:36:49 AM
Subject: Fwd: Comments about rezoning requests 6-A-10-SP and 6-C-10-RZ (scheduled for 6/10/2010)

Re: Item 28

>>> Fred Griffin <fgriffin@att.net> 6/4/2010 8:17 PM >>>

My name is Frederick Griffin and I have lived at 922 Fox Road since 1988 (22 years). My wife, Elizabeth Griffin, has lived at the same residence since 1978 (32 years). I oppose the rezoning requests in the vicinity of 1104 Fox Road (MPC File Nos. 6-A-10-SP and 6-C-10-RZ) for the following reasons:

1. A "Rural Commercial Zone" is not an appropriate designation for the area.
2. Fox Road would not provide safe vehicle access to support a business.
3. Properties with commercial zoning already exist in the historic town of Concord that could be pursued for purchase for a waterfront business on the Sinking Creek embayment.

Item 1 Discussion:

The attached zoning map (obtained from <http://www.kgis.org/knoxnetwhere>) shows that the area northwest of the Sinking Creek embayment surrounding the rezoning requests is almost entirely residential (low density RA, medium density RB, and planned PR). The region labeled NZ is residential neighborhoods in the Town of Farragut. Some parcels are labeled agricultural A, but most of this agricultural property is in practice being used as residential. The one exception to this statement is Fox Road Marina, which for historical reasons has been allowed to remain in its current location even though the zoning map indicates that it is located on agricultural property. The nearest properties zoned commercial/office are located along Kingston Pike, at Westland Drive near the I-140 intersection, and along Concord Road north of the Northshore Drive intersection. The Zoning Ordinance for Knox County states that a Rural Commercial Zone (CR)

"provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas." My opinion is that Fox Road is NOT an outlying rural area. This is a residential area, and a Rural Commercial Zone is not appropriate. Local residents already have convenient access to ample retail and service establishments at nearby Kingston Pike and Turkey Creek Shopping Center.

Item 2 Discussion:

I have been driving on Fox Road regularly for the past 25 years. During that time period, the road has changed from light use to a much more heavily travelled road that supports all of the recent residential development in the area. Specific events that caused significant increases in vehicle traffic were (1) the opening of A. L. Lotts Elementary (parents use Fox Road to drive their children to school), (2) the opening of the Westland Drive interchange at I-140 (residents use Fox Road for access), and (3) the development of the Turkey Creek Shopping Center (residents use Fox Road as a shortcut). The portion of Fox Road along the railroad tracks is narrow, has no shoulders, and has rolling hills that make it especially dangerous at night when there always seems to be an approaching vehicle with its lights shining in your eyes. There have been several serious accidents in recent years including one where a car ran off the road and destroyed my neighbor's concrete block and stone mailbox (920 Fox Road), and another where a panel truck flipped on its side, slid off the road, and hit a car parked in a driveway (1010 Fox Road). In my opinion, Fox Road would not provide safe vehicle access for any type of business where customers are frequently arriving and leaving, and there is little opportunity for future road improvements because of its confined location adjacent to the railroad track.

Item 3 Discussion:

If somebody wants to develop a waterfront business on the Sinking Creek embayment, the attached zoning map indicates that there is already an area with commercial zoning located in the historic town of Concord at the southwestern end of Sinking Creek just under the bridge from the main channel of Fort Loudon Lake. Because the Planning Commission has already identified this commercial area on Sinking Creek, I recommend asking any potential businesses to begin their search for property in the existing commercial zone. This area has good vehicle access just off of Concord Road, which has undergone recent improvements with the Campbell Station Road extension south of Kingston Pike and the traffic circle at Northshore Drive.

Frederick Griffin

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/7/2010 8:37:12 AM
Subject: Fwd: Rezoning of property next to Fox Rd Marina

Re: Item 28

>>> Patricia Marshall Ferrell <patriciagmferrell@msn.com> 6/4/2010 2:20 PM >>>

Mr. Brusseau,

Mr Cliff Kirk e-mailed you concerning the rezoning of the McKenry's Home on Fox Rd to allow a Sports Bar and Resturant, I just want to share with you that we have been friends and neighbors for the past 30 years and I can not state our opposition any better. I have seen all the changes he explained and I agree with everything he said. We do not want nor need to change this lovely area from residential.

PLEASE VOTE NO to this drastic change to our neighborhood.

Thank you,

Patricia Ferrell and Family

918 Fox Road

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox.
http://www.windowlive.com/campaign/thenewbusy?ocid=PID28326::T:WLMTAGL:ON:WL:en-US:WM_HMP:042010_1

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/7/2010 8:37:30 AM
Subject: Fwd: Property rezoning by Fox Road Marina

Re: Item 28

>>> "Dan Kern" <dkern@triplecdist.com> 6/4/2010 10:41 AM >>>
Michael,

I'm opposed to the development of a restaurant / bar on Fox Road. My house is located on the other side of Fox Road Marina where I've been residing for 30 years. Fox road is the most narrow road in Knox county with blind curves and deep grooved shoulders. I've often noticed that cars will travel at speeds varying from 20 mph to 60 mph..It is unsafe ! I've had a car overturned in my front yard, a man on a motorcycle wreck in my yard and become a parapalegic, and in the propossed site of the restaurant I had to call 911 because a boy was run off the road and thrown from his car.

Please consider the dangers of Fox Road and how the increase of traffic would change my community

Sincerely,
Dan Kern cell 919-1024
1020 Fox Road

Dan Kern
Sales Manager
Triple C Distributing
PO Box 10068
6600 Deane Hill Drive
Knoxville, TN 37939
865-690-6252 x105
865 919-1024 cell
865-694-4678 fax

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/7/2010 8:38:00 AM
Subject: Fwd: Rezoning of area next to Fox Rd Marina

Re: Item 28

>>> Cliff Kirk <cliff@towergear.com> 6/4/2010 10:22 AM >>>
Mr. Brusseau:

I would like to voice my disapproval for the potential rezoning of the property adjacent to Fox Road Marina. I live at 1012 Fox Rd. My parents live at 1010 Fox Rd. I have lived at these addresses since 1968. The idea of rezoning the property in question to allow for a bar and or restaurant is unacceptable on many levels.

First and foremost, this is a residential area. The homes along this street pay high property taxes based on our proximity to the lake. We all understand that with the beauty of this bay comes a cost. And that is acceptable.

As residence of this area we all have to deal with a tertiary road that sees more than it s intended amount of problems and traffic. And that traffic travels at a high rate of speed all day long moving from Westland to Kingston Pike and other locations. We all deal with regular vandalism of being in this area. Smashed mail boxes. Windows shot out in our homes. Our cars spray painted and windows broken out. And even burglaries. We were robbed in April 2008. People travel this road late at night and throughout the early morning because there is not a police presence. At night cars and motorcycles will travel in excess of 80 miles per hour. Cars wreck at night outside our doors. There are two train crossings where fatalities have occurred. We know this as residence. But no one agency does anything to curb or stop these problems from recurring. We report them to the police. We are put on drive byes for a week and nothing changes.

We do not need a bar on this road! Allowing a bar on this road his will only increase these ever growing problems. It will increase traffic on a road that is over crowded. It will certainly increase the number of drunk drivers. It will increase the probability that accidents will occur related to those drivers in a residential property. You have a road where cars are traveling at a high rate of speed coming in to contact with the expectation of a driver that is impaired. You are allowing the probability that an impaired driver will have a 66% chance of crossing a railroad track. A 66% chance of passing a church. A 100% chance of immediately passing a residence. A 50% chance they will pass my house and my adjacent neighbors house where there are children ages 10 and 11 respectively.

MPC allowed the expansion of Fox Road Marina despite the outrage of this community. To allow the rezoning of this property to a commercial entity would open the door for more commercial development on property that should remain residential. This bay is beautiful but very small. We have two marinas on a bay that TVA declared overcrowded in 1972. By allowing more boat traffic you are once again increasing the odds of boat accidents by proximity or by an impaired operator.

From my personal conversations with residence, it would be a destination for non-residence and a constant nuisance to the neighbors.

You are inviting others into our lives and homes that are not requested. We will have our peace and happiness violated by potential drunk drivers and the probability of loud music and unwanted noise.

MPC should absolutely decline this request for a rezoning. It is unnecessary, dangerous and adds no value to this community.

Very truly yours,
Cliff Kirk

1012 Fox Road
Knoxville, TN 37922
865-660-9660

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/7/2010 8:38:50 AM
Subject: Fwd: Fox Rd. Re-zoning

Re: Item 28

>>> Thomas Leavy <tom@athomeaudiovideo.com> 6/3/2010 7:21 PM >>>
Mr. Brusseau,

I am writing today to express my opposition to the proposal to rezone the property located adjacent to Fox Rd. Marina. As a former resident and having family, friends and neighbor's in the vicinity I can tell you this is not a great idea. In addition to Fox Rd. being quite narrow, the access roads are not capable of handling increased traffic, particularly Canton Hollow. My family has already experienced several incidents with impaired drivers causing property damage and our fear is that introducing this establishment will only increase that possibility in the future. While I understand that additional tax revenue is attractive, you must know that any increases Knox County may see will be offset by increased need for Police presence, additional property damage and inevitably fatalities. Perhaps you think this is hyperbole but I can tell you that I have personally experienced several very close calls during daylight hours while completely sober. Introducing alcohol to that environment is a recipe for disaster. Having said all that, who knows what will happen to the property values of the 50 to 75 residents of Tan Rara when their lake view turns into a view of a parking lot. In conclusion, I urge you to consider the investments that hundreds of families have made in their homes, lives and neighborhood over those of a few, albeit powerful, investors in this project. Let us keep our community. It is not only the safe and prudent thing to do but it's also the right thing to do. Thank you for your time.

Respectfully,

Tom Leavy
Director of Operations
@home audio-video
5084 Kingston Pike
Knoxville, TN 37919
865-584-1800
tom@athomeaudiovideo.com

From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/7/2010 8:41:14 AM
Subject: Fwd: rezoning of property adjacent to Fox Rd marina

Re: Item 28

>>> <bedelle@charter.net> 6/3/2010 9:59 PM >>>

Sir,

Several of my neighbors have voiced opposition to the proposed zone change for the property Southeast of Fox Rd.marina. I agree with the reasons they have presented. The road is narrow and unsafe for current traffic with speeding the norm. The noise is compounded at my end (818 Fox Rd) with Pellissippi Parkway.

If this rezoning is approved serious consideration should be given to making Sinking Creek cove NO WAKE ZONE from Concord bridge to Emory Church Road bridge. I is too small for the number and size of boats currently using the area. Rental boats and personal water craft would produce a wreck waiting to happen.

Thanks for the consideration.

Fred Bedelle, Jr.

818 Fox Rd.

966-6392

6-A-10-SP- 6-C-10-RZ - cor- Shawn

Jim and Judy Shawn
10225 El Pinar Drive
Knoxville, TN 37922

June 4, 2010

Mr. Micheal Brusseau
Knox County / Knoxville Metropolitan Planning Commission
Suite 403, City/County Building
400 Main Street
Knoxville, TN 37902

Dear Mr. Brusseau:

Reference MPC Files: 6-A-10-SP and 6-C-10-RZ (1104 Fox Road,
Knox County)

We would like to respectfully request that the concerns addressed in this letter be taken into consideration by the MPC and a copy be distributed to all those involved in the decision making process as it relates to the above referenced file numbers.

Our number one concern regarding the establishment of a "family style" business, ie., a sports bar/restaurant and water sports rental facility, is the safety of the traveling public who on a daily basis uses Emory Church Road, Fox Road, and Canton Hollow Road. These are narrow roads. Traveling these roads after dark in the rain is extremely dangerous.

I would encourage everyone who will be voting on this rezoning to travel from Westland Drive onto Emory Church Road to where name changes to Fox Road past the site in question and cross the railroad tracks onto Canton Hollow Road to Kingston Pike. Then turn around and do the route in the opposite direction. Do it after dark and preferably in the rain. I think you will agree with us that the decision to place such an establishment in this area would make travel on these roads more hazardous.

Our second concern is noise pollution. If this is going to be a sports bar, it will probably be open late at night, especially on the weekends. The site in question is a beautiful, quiet area where wild ducks and geese raise their young each year. Herons are often seen in the area in question. If a business were to be opened on this site, most likely the owners would take advantage of the beautiful setting and set up an outside dining/bar area. Music and/or ball games on TV would most likely be in the outdoor area. Sound does travel long distances. We do not live that far from the location: just cross Fox Road, over the railroad tracks, walk across our neighbors yard and across El Pinar Drive and you will be in our yard. I am not opposed to the right to open a new business and pursue your dreams, but we are in opposition to this rezoning for the above reasons and fear that it will forever change the peaceful environment we now enjoy.

Thank you for considering our concerns regarding this rezoning.

Sincerely,
Jim and Judy Shawn
Jim and Judy Shawn



From: Mike Brusseau
To: Betty Jo Mahan
Date: 6/8/2010 1:18:12 PM
Subject: Fwd: Fox Road Property Rezoning

RE: Item 28

>>> Teressia Blair <tblair2020@gmail.com> 6/8/2010 1:20 PM >>>

Mr. Brusseau,

I would like to voice my opposition of the MPC rezoning request from Agricultural to Rural Commercial for the property adjacent to Fox Road Marina. I live on Fox Road and have witnessed the extreme increase in hazardous conditions in this area. My home is between the existing marina and the lake termination point at Emory Church Road culvert. Rezoning any property along this section of Fox Road to commercial would only exasperate the homeowners who have been tolerating the heightened amount of wreckless drivers and watercraft traffic in this cove. Retrieving mail from my postal box has become almost perilous, especially if vehicles are traveling in opposite directions and/or pulling a boat trailer. Speed on this narrow road makes it dangerous but speed and (Sports Bar) alcohol will turn it lethal, most likely at one of the two railroad crossings.

I hope you will take into consideration my concerns as well as those of my neighbors before you make a final decision.

Sincerely,
Teressia Blair