

▶ **FILE #:** 8-B-10-UR **AGENDA ITEM #** 35
 POSTPONEMENT(S): 8/12/2010 **AGENDA DATE:** 9/9/2010
 ▶ **APPLICANT:** DAVID WYATT
 OWNER(S): DAVID WYATT

TAX ID NUMBER: 78 100
 JURISDICTION: County Commission District 6
 ▶ **LOCATION:** Southeast side of W. Beaver Creek Dr., east of Weaver Rd.
 ▶ **APPX. SIZE OF TRACT:** 8.1 acres
 SECTOR PLAN: Northwest County
 GROWTH POLICY PLAN: Planned Growth Area
 ACCESSIBILITY: Access is via W. Beaver Creek Dr., a major collector street with a pavement width of 20' within a 40' wide right-of-way
 UTILITIES: Water Source: Hallsdale-Powell Utility District
 Sewer Source: Hallsdale-Powell Utility District
 WATERSHED: Beaver Creek

▶ **ZONING:** A (Agricultural)
 ▶ **EXISTING LAND USE:** Single dwelling and vacant land
 ▶ **PROPOSED USE:** School bus parking

HISTORY OF ZONING: None noted
 SURROUNDING LAND USE AND ZONING: North: Detached dwellings / A agricultural & PR residential
 South: Detached dwellings / A agricultural & RA residential
 East: Detached dwellings / A agricultural
 West: Detached dwellings / A agricultural & RAE residential
 NEIGHBORHOOD CONTEXT: Property in the area is zoned A agricultural and RA, RAE and PR residential. Development in the area consists of detached dwellings at both suburban and rural densities.

STAFF RECOMMENDATION:

- ▶ **APPROVE the request to permit the storage of up to five (5) school buses on this site subject to 12 conditions**
1. All bus storage/parking is to occur in the area to the rear and southeast of the existing house on the site
 2. Access to and from the bus storage area is to be directly from W. Beaver Creek Dr.
 3. The bus storage/parking area is to be screened from view from W. Beaver Creek Dr. and abutting residential properties that are located on all sides of the site per the requirements of the Knox County Zoning Ordinance
 4. All bus storage/parking and drivers' personal vehicle parking must be setback at least 25 feet from any property line
 5. The bus storage lot must consist of an all weather driving surface that will minimize dust

6. The facility must be designed in a manner that will minimize traffic impacts and exclude buses from backing into W. Beaver Creek Dr.
7. Maintenance or repair of the school buses on this site is specifically prohibited
8. Meeting all applicable requirements of Article 4, Section 1 of the Knox county Zoning Ordinance (Performance Standards for Commercial and Industrial uses) and meeting all other applicable requirements of the Knox County Zoning Ordinance
9. Buses stored/parked at this facility must service routes that feed either Karns or Powell schools
10. Obtaining a Special Pollution Abatement Permit and meeting all other applicable requirements of the Knox County Dept. of Engineering and Public Works
11. Installation of all required landscaping prior to the commencement of using this site for a bus storage/parking facility
12. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for review and certification prior to use of this site for the storage/parking of buses

COMMENTS:

The development plan submitted by the applicant for the bus storage facility provides marginal detail to determine if the proposed use would meet the requirements of the Zoning Ordinance. The staff believes the use can be accommodated on the site with minimal impact on the surrounding residences. If this request is approved by MPC, staff will require the applicant to have a site plan prepared by a professional designer that illustrates the proposed use complies with the requirements of the zoning ordinance and the other conditions of approval.

The site is located, with direct access to W. Beaver Creek Dr. The nearest adjoining dwelling is approximately 250 feet from the proposed bus storage area. Traffic generated by the use should be minimal. Each bus and each driver will generally enter and exit the site twice daily. The buses will have to be taken in for maintenance. Staff believes the proposed use should generate less than fifty trips per day.

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

1. Public water and sewer utilities are in place to serve this development.
2. With the required screening and limiting the number of buses that may be stored at this site the visual and traffic impact of this request will be minimized.

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

1. With the conditions of approval this proposal is consistent with all requirements of the A (Agricultural)1 zoning district, as well as other criteria for approval of a use on review.
2. The proposed use is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not draw substantial additional traffic through residential areas.

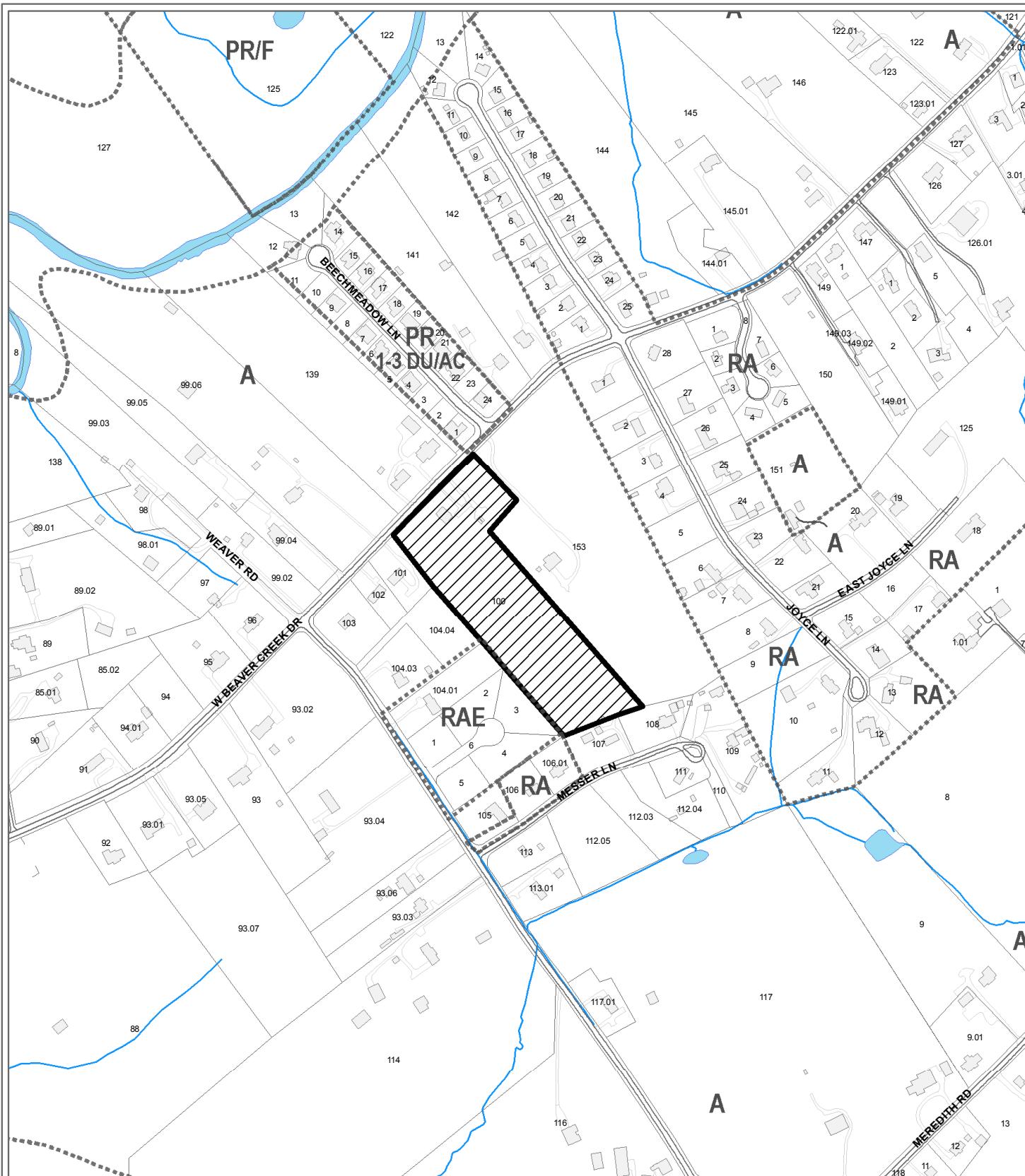
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northwest Knox County Sector Plan designates this area for low density residential use. A bus storage facility may be permitted in a low density residential area with the approval of a use on review by MPC.

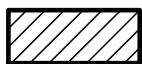
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

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



**8-B-10-UR
USE ON REVIEW**



School bus parking in A (Agricultural)

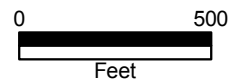
Original Print Date: 7/22/2010
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

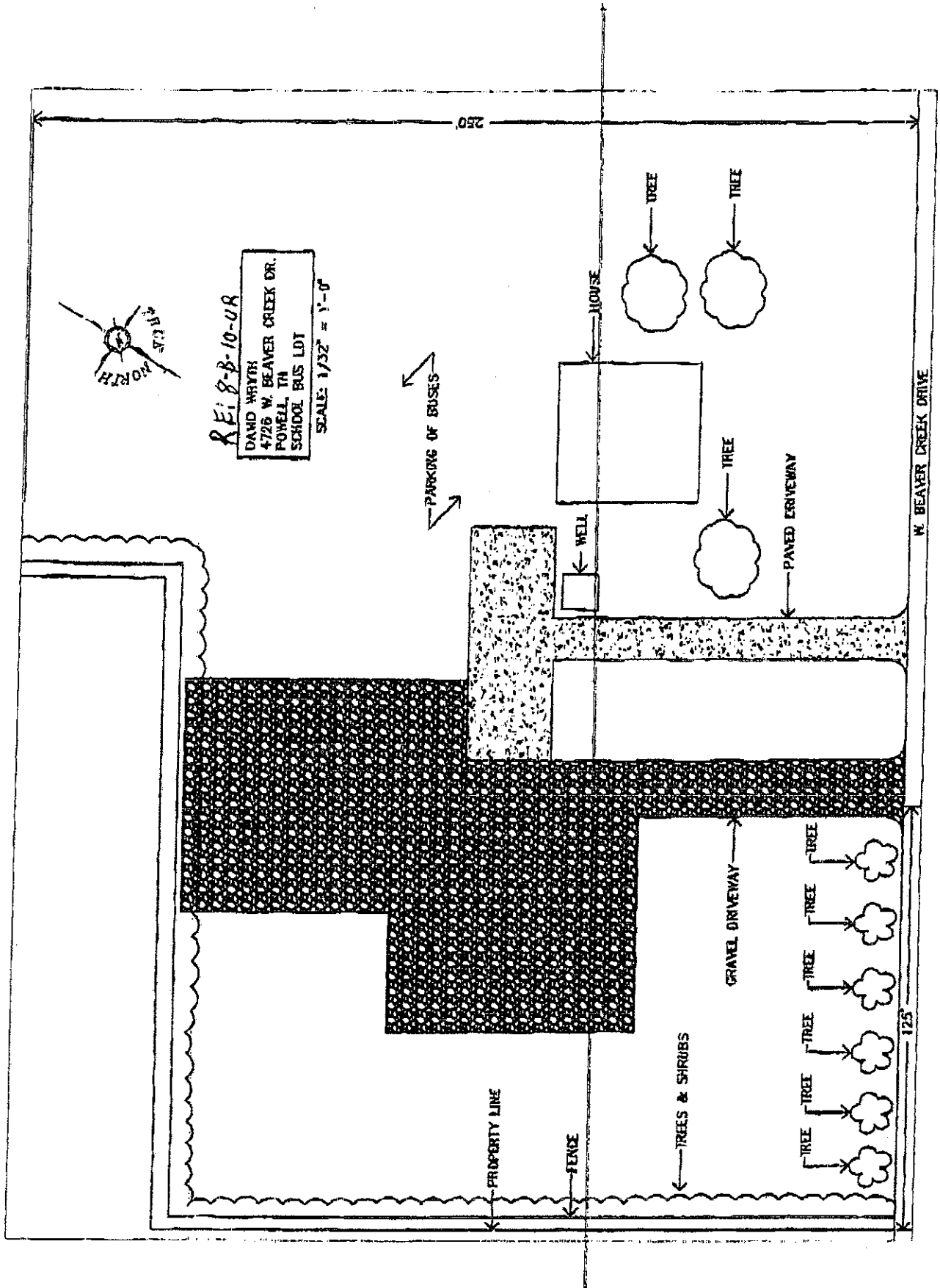
Revised:

Petitioner: Wyatt, David

Map No: 78

Jurisdiction: County





8-B-10-UR

8-B-10-UR-cor-Simmons

August 31, 2010



Dan Kelly (w/cc to Bettyjo Mahan)

Metropolitan Planning Commission

Suite 403, City County Building

400 Main Street

Knoxville, TN. 37902

RE: File #8-B-10-UR, Item #35

September 7th Preliminary Meeting

Dear Dan:

If at all possible we would like to have a copy of this flyer included in the package for review by the board members at this preliminary meeting on Tuesday the 7th of September.

This flyer was put into 200 paper boxes around the 4726 W. Beaver Creek Drive address to bring this use on review to the attention of neighboring properties.

Your help in this matter is greatly appreciated.

Sincerely,

Pamela K. Simmons

A handwritten signature in cursive script that reads "Pamela".

4751 W. Beaver Creek Drive

Powell, Tn. 37849

865-382-4289

IF YOU THINK YOU HAVE TRAFFIC WOES NOW.....



**WAIT TILL THESE ARE ADDED TO YOUR MORNING
AND AFTERNOON COMMUTE TO WORK AND SCHOOL
(not to mention noise, fumes, dust, etc.)!**

USE ON REVIEW application for 4726 West Beaver Creek Drive to park/store up to 8 buses will be heard by Metropolitan Planning Commission at their Thursday, September 9, 2010 meeting at 1:30 PM in the Main Assembly Room of City/County Building downtown Knoxville.

For more information: Phone: 865-215-2500

Web site: knoxmpc.org — File # 8-B-10-UR — Item # 35

**Don't let our serene neighborhood turn into
A Commercial Parking Lot!**

GET INVOLVED! LET YOUR OPINION BE KNOWN!

- * E-MAIL or snail mail all MPC members (contact info on reverse)**
- * TELEPHONE (#'s provided)**
- * ATTEND THE MEETING! (This is extremely important!)**

Please join your neighbors in preventing the added congestion of West Beaver Creek Drive. 8 buses would be 32 trips in and out every weekday. Add to this 8 bus drivers coming in and out 32 times a day as well! This could be up to 64 additional trips EVERY school day.

From: TR Simmons <trspanda@yahoo.com>
To: <mark.donaldson@knoxmpc.org>, <ubailey@esper.com>, <bartcarey@comcast.net>, <artclancy3@gmail.com>, <gewart@georgeewart.com>, <makane1@bellsouth.net>, <Nathan.J.Kelly@gmail.com>, <anders@holstongases.com>, <cole5137@bellsouth.net>, <rlcraig@usit.net>, <s.johnson692@gmail.com>, <rebeccalongmire@hotmail.com>, <brianpierce@hbiarch.com>, <wstowers@stowerscat.com>
Date: 8/31/2010 9:53:11 AM
Subject: File # 8-B-10-UR, Item #35 9/9/10

Dear MPC Board Members: I am contacting all members of the board concerning the above mentioned application for Bus Storage at 4726 W. Beaver Creek Drive. My husband and I live at 4751 W. Beaver Creek Drive. Several neighbors and I spent 6 months in 2001 speaking with MPC and Knox County Commission over our concerns about multiple buses being parked at 4741 W. Beaver Creek Drive.

Because of changes to zoning at that time (specifically 3.52.02 and 3.54.01) the property owner at 4741 was subsequently allowed to have 3 buses on his property. The other multiple buses were moved across the street to 4726 during that time. Over the ensuing years numerous calls have been made to zoning concerning compliance on both 4741 and 4726 properties for bus storage. Codes Enforcement would confirm these complaints and citations.

By the end of school year 2010 (6 buses were regularly parked on this property at 4726) all buses were finally moved and then this USE ON REVIEW was posted.

Zoning Ordinance 3.52.02 Commercial Vehicles currently specifies "I commercial vehicle per household living on premises" to allow an individual to park a commercial vehicle he/she uses to make a living at his/her residence.

West Beaver Creek is Agricultural/Residential and we do not want a "Commercial Parking Lot" of school buses in our rural neighborhood.

We are asking you to deny this application and let the current zoning restrictions stand.

Thanking you in advance,
Pamela K. Simmons
4751 W. Beaver Creek Drive
Powell, Tn. 37849
(865) 382-4289

From: "Audrey" <alwyong@comcast.net>
To: "Audrey" <alwyong@comcast.net>
Date: 8/31/2010 9:52:28 PM
Subject: David Wyatt - File # 8-B-10-UR, Item # 35 - Sept. 9, 2010

Dear MPC Board Members:

Regarding: David Wyatt - File # 8-B-10-UR, Item # 35, Sept. 9, 2010

I am writing to you for myself, Audrey Young and my husband, L.B. Young. We live at 4732 W. Beaver Creek Drive. This address adjoins 4726 W. Beaver Creek Drive which is the property being discussed in this letter.

Application has been made by David Wyatt to store up to 8 school buses at 4726 W. Beaver Creek Dr. These buses are owned by another individual at 4741 W. Beaver Creek Dr. During the past 9 years, many calls have been placed with Zoning concerning compliance on both 4726 and 4741 properties regarding the storage of these buses.

Six school buses were stored at 4726 all of last school year. There had been no 'Use on Review' that was known to any of the neighbors.

We ask that you, the Board of Commissioners, resolve this issue by following the Zoning Ordinance 3.52.02 Commercial Vehicles which currently specifies:

" One (1) commercial vehicle shall be permitted per household living on premises (which may be a school bus....)" to allow an individual to park a commercial vehicle he/she uses to make a living at his/her residence.

4726 W. Beaver Creek Drive is a rental house. David Wyatt does not live there. David's home address is: 4736 W. Beaver Creek Dr.

Our primary concern is the devaluing of our properties by having commercial vehicles parked in such close proximity to the neighboring houses.

Of course there will be the addition of 32 more trips per day per bus (8 buses going after children in the morning, then returning the buses and 8 buses going out again to take children home every afternoon and returning in the afternoon=32 trips) every school day. There could be the same number of drivers making the same amount of trips in their private vehicles every day also which brings us to an added 32 trips which gives us a total of 64 more vehicles. All of this will be happening on our 2-lane road which is very heavily traveled every morning and evening.

Please, envision how 8 school buses would look in your own neighborhood and try to understand that is how it appears to us too!

We ask that you DO NOT approve this application.

Thank you so very much for your thoughtful concern for us.

Audrey and L.B. Young

4732 W. Beaver Creek Drive

Powell, TN 37849

865-938-3461

From: Sarah Powell
To: Betty Jo Mahan
Date: 8/3/2010 8:34:17 AM
Subject: Fwd: Agenda Item Number 54. David Wyatt

>>> "Audrey" <alwyoung@comcast.net> 8/2/2010 7:14 PM >>>
 Regarding: Property at 4726 W Beaver Creek Drive, Powell, TN
 Agenda Item Number 54, David Wyatt

I am writing to let you know that I, Audrey Young and my husband, L.B. Young, plan to object to the proposed use of the property right beside us.

Both of us are elderly and my husband has had numerous heart attacks. He is now under the care of a doctor who is trying to determine what is causing his shortness of breath every day. My back is full of arthritis. My entire lower spine has herniated, bulging or ruptured disks which causes me great pain and is now affecting the use of my legs. I am at home all the time except for necessary short trips out for needed supplies, etc. My husband is now here more of the time due to his health. He is still trying to work but he isn't able to get there every day.

Wyatts are already allowing 6 or more school buses to park on this property during the school year. To my knowledge there was never any Use on Review regarding this property. Apparently this is located on Property ID number 1301081. According to my property search, the Owner's name given on this is: Wyatt Trucking.

The property being considered in your Use on Review is apparently Property ID number 1306206. The Owner Name on this parcel is: Rose Transportation.

Both of these names appear to be businesses in our Agricultural Zone.

In looking at the Property Map and Details Report, the property, 4726 W Beaver Creek Drive Owner Information, The owners are Teffeteller Hugh F & Cora % Robbie M Wyatt. Robbie's address is listed as 227 E Emory Rd.

In doing a search for Robbie Wyatt at 227 E Emory Road, I found only Rose Wyatt, Job: BIC Sales, Partner. There was no Robbie Wyatt listed at this address.

Summary:

I ask that those in charge of this request to put 8 school buses right beside us will please check David's facts.

1. Neither he nor Rose are mentioned on the Property Deed. (David has very recently told me that his Mom now has Alzheimer's and is being treated for this.) It would appear that she wouldn't, at this time, be capable of signing a legal document regarding the names on the Deed.

2. The names of the owners on both parcels indicate they are a business in a residential zone.

3. Are they going to be storing 8 buses on the 'Wyatt Trucking' parcel in addition to the 8 buses they wish to store on the 'Rose Transportation' parcel? To my knowledge, they do not nor have they ever owned school buses so this property is being used for income.

4. If only 8 buses are allowed on the parcel beside our home, they would generate a total of 32 trips EVERY School DAY! This would be 8 buses out every morning, then 8 buses returning after delivering the children to school. Then 8 buses leaving again in the afternoon to take the children home. Then 8

*more returning after getting them back to their homes in the afternoon. 32 TRIPS EVERY SCHOOL DAY!
That is an unacceptable amount of traffic, noise, dust and exhaust fumes going in and out as well as
'warming up' the buses every morning before daylight during the winter months. This is too much for my
husband and me to be forced to breathe every single school day. This would be very serious for my
husband who is already having previously mentioned problems with his breathing !*

This is very unacceptable!

Please do not recommend that this be approved.

Thank you very much.

Audrey Young and LB Young

*4732 W Beaver Creek Drive
Powell, TN 37849*

alwyoung@comcast.net

Phone: 865-938-3461

From: "Jane" <janel@t-lewis.com>
To: "Jane" <janel@t-lewis.com>
Date: 9/2/2010 9:11:57 AM

Dear Commissioner,

We live at 4709 W. Beaver Creek Drive and we are AGAINST having up to 8 buses parked or stored at 4726 W. Beaver Creek Drive. We do NOT want the additional traffic and congestion that this would cause. Please do not allow this area to become a commercial parking lot. We moved in this area to live somewhat in the country, but that is disappearing. A little subdivision was built next door to us and now just a few houses down they want a parking lot for buses. Please vote no.

Thank you.

cid:image002.jpg@01C9CD7E.93CF0080

Terry & Jane Lewis

865-414-0058

Fax 865-862-0797

IN GOD WE TRUST

8-B-10-UR-cor-Ball

August 31, 2010

MPC Board Members

From: Betty A. Ball

RE: File #8-B-10-UR, Item #35 David Wyatt 4726 W. Beaver Creek Drive 9/9/10 Agenda

My husband Charles "Ed" Ball and I reside at 4737 W. Beaver Creek Drive. In school year 2000/2001, 10+ school buses were parked next door at 4741 W. Beaver Creek Drive. Knox County Ordinance allowed only one bus per family living on premises. Our neighborhood became involved with legislative bodies of Knox County. Three (3) buses are now allowed at 4741 property.

Then over the past years many calls have been made by neighbors to zoning enforcement concerning increasing numbers of buses at 4741 property. Also, calls were made concerning as many as six buses parked at 4726 prior to a Use On Review application being filed.

In making your decision, please think about how this neighborhood has had to repeatedly call zoning to report these two properties for zoning violations since 2001.

Other concerns:

TRAFFIC

According to Engineering traffic study of 2009 the average daily traffic on W. Beaver Creek numbered 4430. The added trips of buses and drivers can only increase risk factors on W. Beaver Creek Drive, especially the area of 4726 W. Beaver Creek Drive

FUMES, NOISE, DUST

All of the above will be increased on West Beaver Creek Drive. Neighboring properties are to be protected from the fumes, noise and dust as spelled out in the Knox County Ordinance.

PROPERTY VALUES

All of the above mentioned concerns will contribute as we see it, to the loss of property values. As it has always been, this is a major concern for property owners.

Therefore, we ask you to deny this application of Use On Review at 4726 W. Beaver Creek Drive and let zoning of 3.52.02 stand.

Thank you

Betty A. Ball

(865) 947-9772

