

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

▶ **FILE #:** 10-C-13-SP **AGENDA ITEM #:** 24
 POSTPONEMENT(S): 10/10/13 **AGENDA DATE:** 11/14/2013
 ▶ **APPLICANT:** CRAIG ALLEN
 OWNER(S): Craig Allen

TAX ID NUMBER: 106 P A 037
 JURISDICTION: Council District 2
 STREET ADDRESS: 962 N Gallaher View Rd
 ▶ **LOCATION:** South side Middlebrook Pike, east side N. Gallaher View Rd.
 ▶ **APPX. SIZE OF TRACT:** 3.95 acres
 SECTOR PLAN: Northwest City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ACCESSIBILITY: Access is via N. Gallaher View Rd., a minor arterial street with 4 lanes and a center turn lane within a large right-of-way of varied width. The property does not have frontage on Middlebrook Pike.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Ten Mile Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area) / R-1E (Low Density Exclusive Residential)
 ▶ **PROPOSED PLAN DESIGNATION:** C (Commercial), SLPA (Slope Protection Area) & STPA (Stream Protection Area)
 ▶ **EXISTING LAND USE:** Vacant residential
 ▶ **PROPOSED USE:** Self storage facility
 EXTENSION OF PLAN DESIGNATION: No
 HISTORY OF REQUESTS: A request for O-1 zoning was denied by MPC in 2004 (7-U-04-RZ).
 SURROUNDING LAND USE AND PLAN DESIGNATION: North: Middlebrook Pike. - Residential / F
 South: Vacant land / LDR and HP
 East: House / LDR
 West: Creek and N. Gallaher View Rd. / LDR and F
 NEIGHBORHOOD CONTEXT The southeast quadrant of the intersection of Middlebrook Pike and N. Gallaher View Rd. is developed with residential uses under R-1E zoning.

STAFF RECOMMENDATION:

▶ **DENY GC (General Commercial) sector plan designation.**

The site has limited access, is surrounded by residential uses, and has slope constraints. Commercial uses are not appropriate at this location.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No known improvements have been made in the vicinity of this site. The development pattern for this and surrounding sites is well established as low density residential. The commercial designated site to the west has long been established, is smaller and more level, and is not surrounded by low density residential uses.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The Northwest City Sector Plan appropriately designates this site for low density residential uses, consistent with the surrounding area.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

There has been no change in public/government policy that warrants the requested amendment to the sector plan. A request for the less intense O-1 zoning was denied for this property back in 2004. Nothing has changed since then when staff recommended denial of O-1 zoning.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

The development pattern for this and surrounding sites is well established as low density residential, and there are no reasons to amend the plan for this site only. Access to the site from Gallaher View Rd. is limited. Development of commercial uses would likely require significant grading to the slope-constrained site.

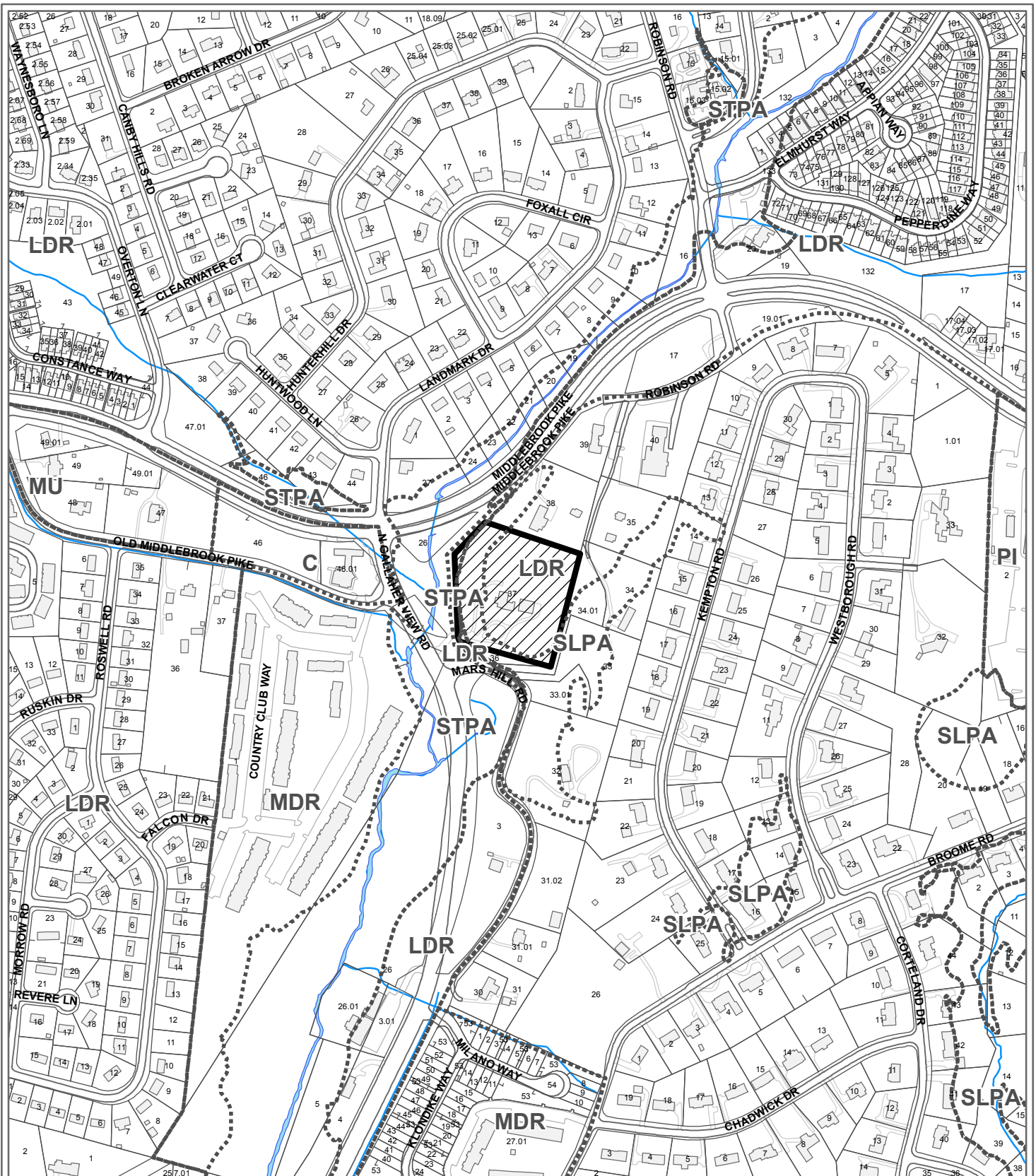
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 12/10/2013 and 12/19/2013. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**10-C-13-SP
NORTHWEST CITY SECTOR PLAN AMENDMENT**

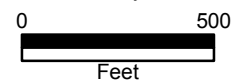


From: LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area)
 To: C (Commercial), SLPA (Slope Protection Area) & STPA (Stream Protection Area)

Petitioner: Allen, Craig

Map No: 106

Jurisdiction: City



Original Print Date: 9/25/2013
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:



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

▶ **FILE #:** 10-F-13-RZ
10-C-13-PA

AGENDA ITEM #: 24
AGENDA DATE: 11/14/2013

POSTPONEMENT(S): 10/10/13

▶ **APPLICANT:** CRAIG ALLEN
OWNER(S): Craig Allen

TAX ID NUMBER: 106 P A 037
JURISDICTION: Council District 2
STREET ADDRESS: 962 N Gallaher View Rd

▶ **LOCATION:** South side Middlebrook Pike, east side N. Gallaher View Ln.

▶ **TRACT INFORMATION:** 3.95 acres.

SECTOR PLAN: Northwest City
GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via N. Gallaher View Rd., a minor arterial street with 4 lanes and a center turn lane within a large right-of-way of varied width. The property does not have frontage on Middlebrook Pike.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / R-1E (Low Density Exclusive Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-6 (General Commercial Park)

▶ **EXISTING LAND USE:** Vacant residential

▶ **PROPOSED USE:** Self storage facility

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Middlebrook Pike. - Residential / LDR & F / R-1 (Low Density Residential) and F-1 (Floodway)
South: Vacant land / LDR / R-1E (Low Density Exclusive Residential)
East: Residences / LDR / R-1E (Low Density Exclusive Residential)
West: Creek and N. Gallaher View Rd. / LDR & F / R-1E (Low Density Exclusive Residential)

NEIGHBORHOOD CONTEXT: The southeast quadrant of the intersection of Middlebrook Pike and N. Gallaher View Rd. is developed with residential uses under R-1E zoning.

STAFF RECOMMENDATION:

► **DENY GC (General Commercial) One Year Plan designation for the site.**

The site has limited access, is surrounded by residential uses, and has slope constraints. Commercial uses are not appropriate at this location.

► **DENY C-6 (General Commercial Park) zoning.**

The site has limited access, is surrounded by residential uses, and has slope constraints. C-6 zoning is not appropriate at this location.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

A. **AN ERROR IN THE PLAN** - The One Year Plan appropriately designates this site for low density residential uses, consistent with the surrounding area.

B. **A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA** - No known improvements have been made in the vicinity of this site. The development pattern for this and surrounding sites is well established as low density residential, and there is no reason to amend the plan for this site only. Access to the site from Gallaher View Rd. is limited. Development of commercial uses would likely require significant grading to the slope-constrained site. The GC designated site to the west has long been established, is smaller and more level, and is not surrounded by low density residential uses.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - There has been no change in public/government policy that warrants the requested amendment to the One Year Plan. A request for the less intense O-1 zoning was denied for this property back in 2004. Nothing has changed since then when staff recommended denial of O-1 zoning.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - No new information has become available that would reveal the need for a plan amendment at this particular location.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. This site is now developed with a house that sits on top of a hill. Commercial uses would likely require extensive grading, especially for the proposed self storage facility. If development were located only on the small, flatter portion of the site at the top, the sloped access drive would not be acceptable for commercial development, especially if it includes large vehicles, such as moving vans and vehicles with trailers that typically would be used for visits to a self-service storage facility.
2. The site abuts low density residential uses, zoned R-1E. Commercial and light industrial uses allowed under C-6 zoning would not be compatible with those uses. Staff recognizes that there is a C-3 zoned site to the west (Weigel's). However, that use has long been established and that site is smaller and more level, and is not surrounded by low density residential uses. That established commercial node is clearly separated from the subject property by the right-of-way of N. Gallaher View Rd. and the Ten Mile Creek floodway.
3. The current access to the site is from N. Gallaher View Rd., at a location about 400 feet south of the intersection of N. Gallaher View Rd. and Middlebrook Pike, which is controlled by a traffic signal. There could be traffic conflicts because of the proximity of the entrance to an intersection of two four-lane heavily travelled streets. Left turns from N. Gallaher View Rd into the site could be especially problematic.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The requested C-6 zoning is intended to encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas. The following 6 concepts are emphasized in the zoning ordinance: 1) To encourage the clustering of commercial activities within areas specifically designed to

accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas, 2) To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated, 3) To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, access and egress, loading and landscaping, 4) To encourage commercial development which is consistent with the long range, comprehensive, general plan for Knoxville and Knox County, 5) To allow for mixing of light industrial (manufacturing) uses with compatible commercial uses as stated within the C-6 zoning district, and 6) To encourage general commercial activities to locate in areas that have access to a major street system.

2. Staff is of the opinion that this site is not appropriate for C-6 uses, because of access and compatibility concerns.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. The impact of this proposal would depend on the type of commercial development proposed. Certain uses could have a negative impact on the streets and adjacent properties.
2. Approval of C-6 zoning would open up the possibility of a significant number of potentially non-compatible and inappropriate uses being developed at this site.
3. Public water and sanitary sewer utilities are available to serve the site.

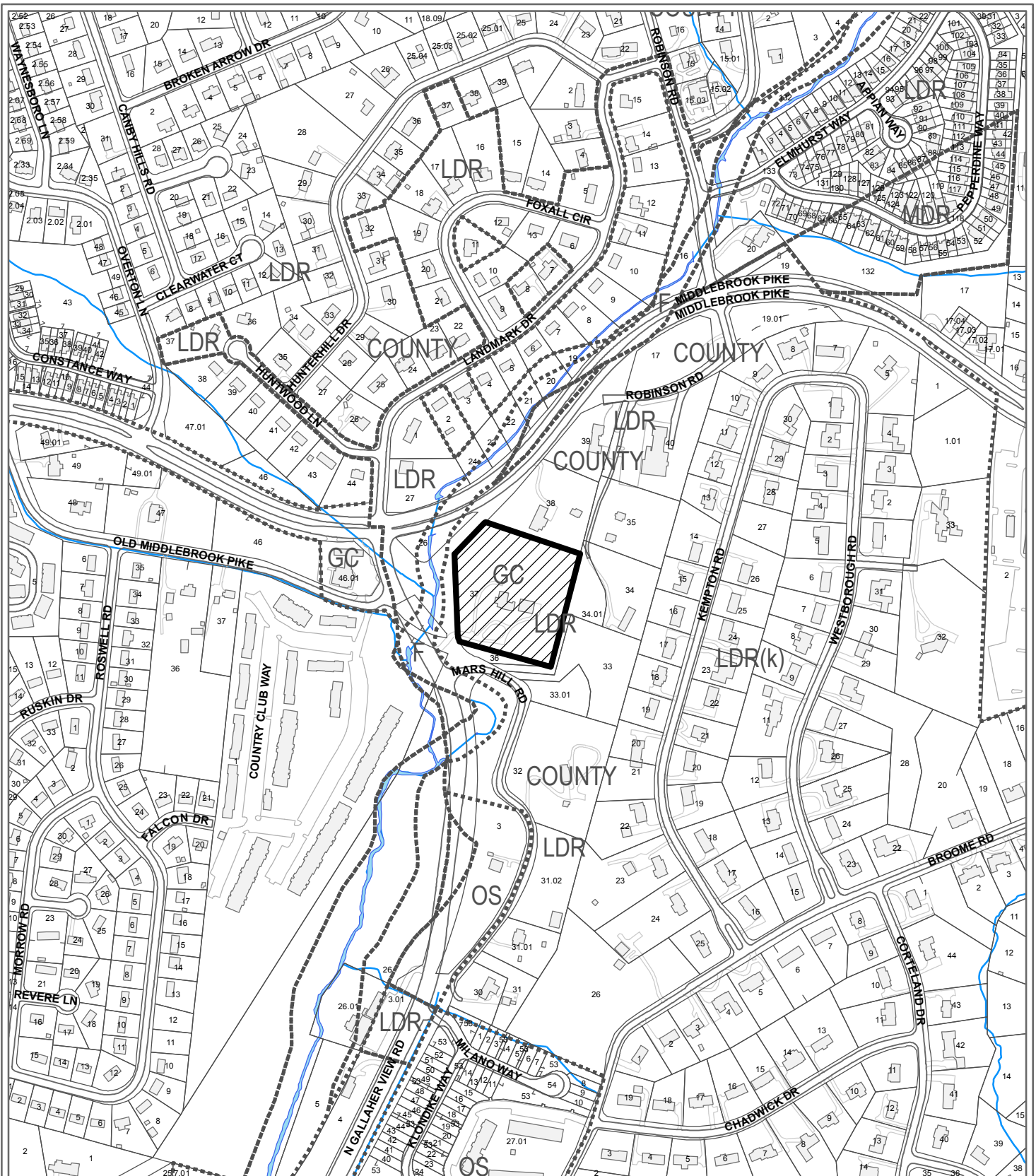
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Northwest City Sector Plan appropriately proposes low density residential uses and slope/stream protection for the site, which should be maintained.
2. The One Year Plan appropriately proposes low density residential uses for the site, which should also be maintained.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. Approval of this request could lead to future requests for commercial plan designations and zoning, which would not be consistent with the future land use proposals of the sector plan.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 12/10/2013 and 12/19/2013. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



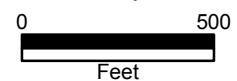
**10-C-13-PA / 10-F-13-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential)
To: GC (General Commercial)

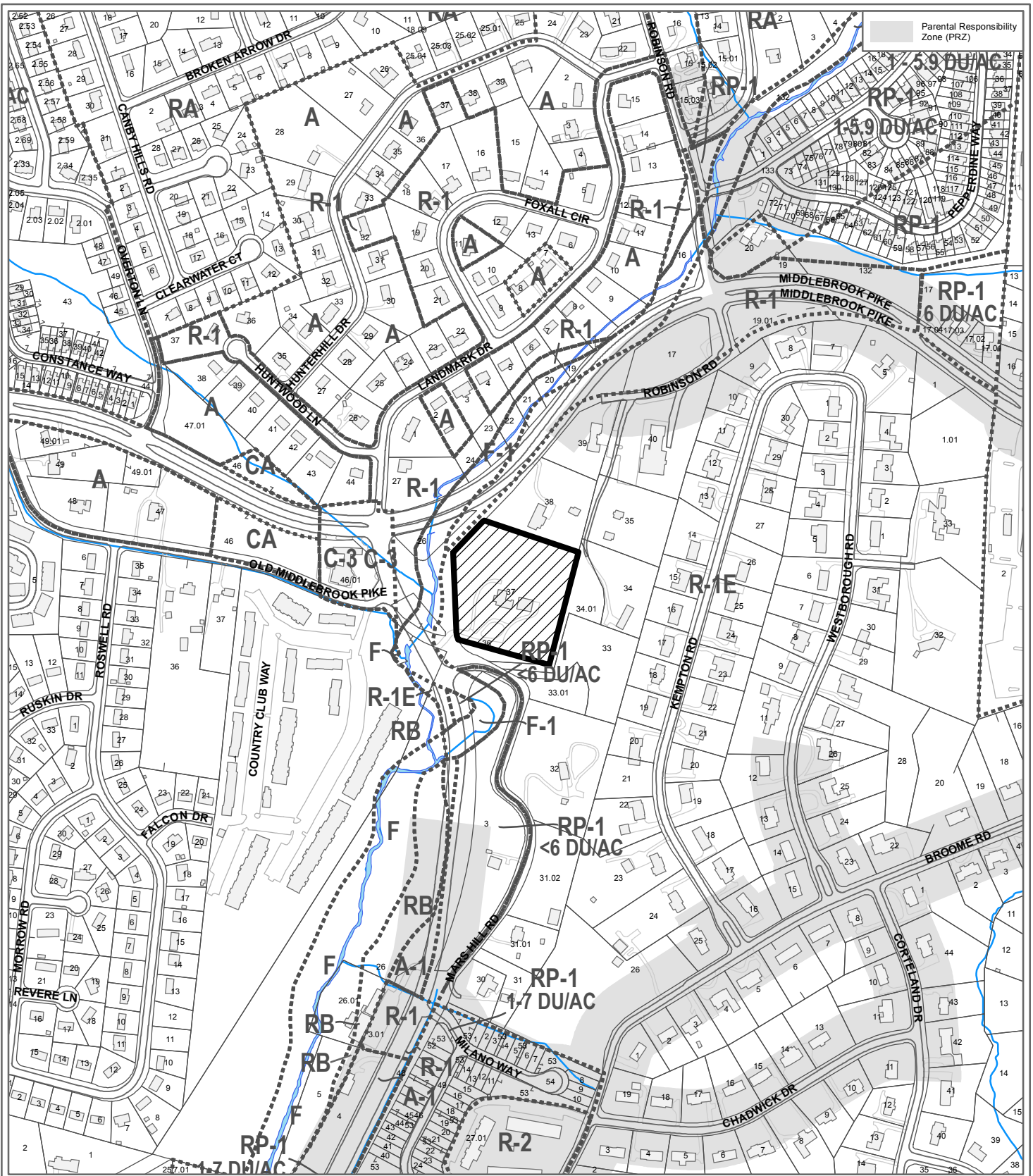


Petitioner: Allen, Craig

Map No: 106
Jurisdiction: City



Original Print Date: 9/25/2013 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**10-F-13-RZ
REZONING**

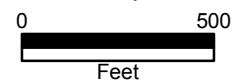
From: R-1E (Low Density Exclusive Residential)
To: C-6 (General Commercial Park)



Petitioner: Allen, Craig

Map No: 106

Jurisdiction: City



Original Print Date: 9/25/2013
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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**Mr. and Mrs. Ivan Zayets
1556 Robinson Road
Knoxville, TN 37923**

October 2, 2013

Dear MPC Commissioners:

It is my understanding that Craig Allen has an option to purchase the property located at 962 North Gallaher View Road, 37923, from Nathan Rothchild pending approval of Allen's request to amend the One Year Plan (MPC File No. 10-C-13-PA) and the Northwest City Sector Plan (MPC File No. 10-C-13-SP) and to rezone the property from R1-E (Low Density Exclusive Residential) to C-6 (General Commercial Park) (MPC File No. 10-F-13-RZ). Craig Allen plans to build self-storage units on the property.

My wife and I and four of our children have lived in our home at 1556 Robinson Road Knoxville, TN 37923 for a little more than four years. Our property directly borders the back of the Rothchild/Allen property.

Our property, the Rothchild/Allen property, and all property touching it are zoned R1-E.

We strongly object to Allen's request to rezone this exclusively residential property to Commercial and object to Allen's request for the plan amendments that would be required for this rezoning.

Nathan Rothchild's attempt to rezone this property from R-1E to Office in 2004 was correctly denied before our home was built.

The current rezoning request for C-6, General Commercial Park is even more objectionable.

Nothing has changed in this area to justify this rezoning request. The only significant change since Rothchild's attempt to rezone in 2004 is the addition of our single family residence recently built on the border of Rothchild/Allen's property. We could not have foreseen the possibility of a storage facility being built next to our family home at that time.

A storage facility on this site would be very unattractive, may be lighted at night, would bring strangers into the area, and is absolutely inappropriate for this exclusively residential, R-1E, area.

The requested C-6 rezoning could also facilitate the rezoning of other properties on Gallaher View Road, creating an objectionable commercial corridor.

Please honor the plans and decisions of the past meant to protect this residential area, deny Craig Allen's requests for plan amendments and rezoning, and help us preserve the peace and tranquility of our family home.

Yours very truly,

Ivan Zayets

Fwd: RE REZONING 962 N. GALLAHER VIEW RD

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org>

Mon, Sep 30, 2013 at 10:59 AM

To: Buz Johnson <Buz.Johnson@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>

----- Forwarded message -----

From: **Dale Goodfellow** <Goodhrt@comcast.net>

Date: Sun, Sep 29, 2013 at 1:24 PM

Subject: RE REZONING 962 N. GALLAHER VIEW RD

To: mark.donaldson@knoxmpc.org

I AM WRITING TO EXPRESS MY DISTRESS IN LEARNING THAT, ONCE AGAIN, THERE IS OCCURRING AN ATTEMPT TO ACQUIRE REZONING OF THE BEAUTIFUL AND LARGE PIECE OF PROPERTY LOCATED AT 962 NORTH GALLAHER VIEW RD., FROM R-1E TO O 1. THIS TIME THE ATTEMPT IS BEING MADE BY A MR. CRAIG ALLEN WHO HOPES TO PURCHASE THE LAND AND USE IT FOR COMMERCIAL STORAGE UNITS. WE IN THE WESTBOROUGH SUBDIVISION, WHICH IS A PART OF THE WEST HILLS, SINGLE FAMILY COMMUNITY, FEAR, AND VEHEMENTLY OPPOSE SUCH REZONING FOR A NUMBER OF REASONS, NONE OF WHICH WOULD BE DIFFICULT TO UNDERSTAND FOR ANY PERSON WHO LIVES IN AN IDEAL NEIGHBORHOOD, TAKES PRIDE IN HIS PROPERTY, AND ANTICIPATES THE MAINTENANCE OR EVEN GROWTH IN ITS FINANCIAL VALUE.

I AM CONCERNED FOR OUR PROPERTY VALUE AND FUTURE QUALITY OF LIFE IN OUR LOVELY AREA, AS WELL AS FOR THE LOSS OF VALUABLE, BEAUTIFUL, AND IRREPLACEABLE GREEN LAND WHICH, IN ITSELF, ADDS TO THE AESTHETIC VALUE OF OUR WEST HILLS AND SURROUNDING PROPERTIES. IF THIS PROPERTY WERE REZONED, I, AND MANY OF MY NEIGHBORS, FEAR THAT OTHER PROPERTIES ALL ALONG THE INTERFACE WITH WESTBOROUGH WILL BE AFFECTED IN SIMILAR FASHION THROUGH ATTEMPTED OR REAL CHANGES IN ZONING. IF THE PROPERTY AT 962 N. GALLAHER VIEW IS REZONED, PURCHASED, AND PREPARED FOR BUILDING AND SUBSEQUENT ERECTION OF STORAGE UNITS, NOT ONLY WILL THE NEIGHBORHOOD IMMEDIATELY TAKE ON A COMMERCIAL LOOK AND FEEL, BUT ALSO, ONE COULD PREDICT INTRUSION INTO OUR MIDST BY INDIVIDUALS WHO WOULDN'T NORMALLY BE IN SUCH CLOSE PROXIMITY TO WESTBOROUGH; AND WHO THEREFORE PLACE LITTLE VALUE ON ITS APPEARANCE, SAFETY ETC. WATER RUN-OFF PROBLEMS AND ADVERSE CHANGES IN TRAFFIC PATTERN AND LOAD CAN EASILY BE ANTICIPATED AS WELL.

FOR THE ABOVE REASONS, AND MANY OTHERS, I SINCERELY REQUEST THAT YOU REFUSE THE REQUESTED REZONING AND ADHERE TO THE CURRENT R-1E ZONING WHICH I BELIEVE HAS BEEN IN PLACE SINCE THE 1980.

DALE GOODFELLOW
SEPTEMBER 29, 2013



Fwd: Craig Allen Rezoning Request

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org> Mon, Oct 7, 2013 at 8:15 AM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>

----- Forwarded message -----

From: **Katie Alley** <ketebebe@gmail.com>
Date: Sun, Oct 6, 2013 at 7:08 PM
Subject: Craig Allen Rezoning Request
To: bartcarey@comcast.net, makane1@bellsouth.net, Nathan.J.Kelly@gmail.com, cflomax@hotmail.com, Jtocher.mpc@gmail.com, herb@claibornehauling.com, artclancy3@gmail.com, llcole712@gmail.com, lenedna@bellsouth.net, rebeccalongmire@hotmail.com, brianpierce@mbiarch.com, jwroth@qmwkx.com, wstowers@stowerscat.com, mark.donaldson@knoxmpc.org

Kathleen (Katie) Alley
716 Kempton Road
Knoxville, Tennessee 37909
October 6, 2013

Dear Commissions:

I have been told that Craig Allen has an option to purchase the property located at 962 North Gallaher View Road, 37923 from Nathan Rothchild pending approval of his request to amend the One Year Plan (MPC File No. 10-C-13-PA) and the Northwest City Sector Plan (MPC File No. 10-C-13-SP) and rezone the property from R1-E (Low Density Exclusive Residential) to C-6 (General Commercial Park) (MPC File No. 10-F-13-RZ).

This latest rezoning request will be on MPC's agenda for their Thursday, October 10, 2013 meeting.

This is the third attempt to rezone this property. The last attempt to rezone this property was Nathan Rothchild's request in 2004 to rezone it from R-1E to O, which was denied for excellent reasons. This request for C-6 is more objectionable.

Mr. Allen plans to build a storage facility on this property, very close to the homes on Kempton Road in the Westborough subdivision. I moved to Kempton Road as a three-year-old in 1976, and it is a beautiful, well-maintained residential area. In 2008 I bought a home at 716 Kempton Road where I live with my two children.

I am very opposed to the rezoning and plan amendment requests for many good reasons. Some of my objections are:

- It will devalue the homes in Westborough.
- It will increase traffic on the Gallaher View Road, which was built to move traffic from Middlebrook Pike to I40 and Kingston Pike, not to encourage commercial development that would further congest the road.
- The building and paving on this slope could cause flooding issues.
- It would encourage and facilitate other property owners on Gallaher Road, or the adjacent Walker property at 8322 Middlebrook Pike, currently for sale, to seek rezoning.
- Having a storage facility on this property could cause security problems, have night lighting, and bring strangers into this R-1E exclusively residential area.

Please except the MPC staff recommendations, deny Mr. Allen's requests for rezoning and the required plan amendments, and protect our homes and neighborhood.

Thank you for your thoughtful consideration.



Fwd:

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org> Mon, Oct 7, 2013 at 8:13 AM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>

----- Forwarded message -----

From: <cbostonrun@aol.com>

Date: Sat, Oct 5, 2013 at 11:29 AM

Subject:

To: bartcarey@comcast.net, gewart@georgeewart.com, makane1@bellsouth.net, Nathan.J.Kelly@gmail.com, cflomax@hotmail.com, Jtocher.mpc@gmail.com, herb@claibornehauling.com, atclancy3@gmail.com, lcole712@gmail.com, lenedna@@bellsouth.net, rebeccalongmire@hotmail.com, brianpierce@mbriarch.com, jwroth@qmwkx.com, wstorwers@stowerscat.com, mark.donaldson@knoxmpc.org, bdearden@utk.edu, Kathienorwood@aol.com

PETITION

As a resident of the Westborough Subdivision in West Hills, I strongly object to Craig Allen's request to rezone the Rothchild property, aka The Walker House, (Tax ID 106 P A 037) located at 962 North Gallaher View Road, 37923, from R-1E (Low Density Exclusive Residential) to C-6 (General Commercial Park) (MPC File No. 10-F-13-RZ), and object to Allen's request for the plan amendments that would be required for rezoning.

As attempt by previous owners, Jack and Nell Buckner, in 1996 to rezone the property from R1-E to R-1 was denied by City Council.

In 2002 MPC recommended approval of the Walker Springs/Mars Hill Corridor Study (Alternative E) amending the Northwest City and Northwest County Sector plans. It was approved by City Council 4/16/2002 and was approved by County Commission 4/22/2002. That study recommended that this area should remain residential.

In 2004 Nathan Rothchild requested rezoning from R1-E to Office. That report stated: "All the property abutting, or touching, Rothchild's property is zoned R-1E. To allow Rothchild O zoning would be spot zoning, which the courts have held illegal. Weigels is across the street, not abutting Rothchild's property." The Report and the MPC Case Summary state: "Office use was considered for this site and other property along the reconstructed N. Gallaher View as part of a study in 2002. The consensus of that study was that the area should remain residential. There have been no significant changes to the area to warrant approval of this plan amendment."

There has not been any significant change in this area after 2004 to justify rezoning. A new single family residence has been built at 1556 Robinson Rd on the back boundary of Rothchild's property, which is another argument against changing the zoning from R-1E to Commercial.

Other arguments against rezoning include flooding concerns, traffic concerns, a domino effect of additional rezoning requests along Gallaher View Road, as well as harm to the residential character of our neighborhood, which has already been harmed by the widening of Middlebrook Pike and Gallaher View Road.

Charles R. and Patsy A. Boston
720 Kempton Road
Knoxville, TN 37909-2125



Fwd: Rezoning 10-C-13-SP, 10-C-13-PA & 10-F-13-RZ (Craig Allen)

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org> Mon, Oct 7, 2013 at 8:14 AM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>

----- Forwarded message -----

From: **Dearden, Boyd L** <bdearden@utk.edu>
Date: Sun, Oct 6, 2013 at 11:11 AM
Subject: Rezoning 10-C-13-SP, 10-C-13-PA & 10-F-13-RZ (Craig Allen)
To:

This email is sent on behalf of Marilee B. Cavender

733 Kempton Road
Knoxville, TN 37909

September 30, 2013

RE: Rezoning 10-C-13-SP, 10-C-13-PA & 10-F-13-RZ (Craig Allen)

MPC Commissioner
Knoxville, TN

This is an urgent request that you vote against rezoning the property that Mr. Craig Allen has made an offer pending rezoning on 962 N. Gallaher View Road from R1-E to C-6.

I have lived at 733 Kempton Road for 38 years. My deck, patio, and backyard are just a short distance from this property. Rezoning this for a General Commercial Park to be used for self-storage units, as Mr. Allen proposes to have on his property would not only be abhorrent to me, my family and friends but would diminish the value of my property and all the properties in this neighborhood

Please seriously consider what rezoning this property would do to me and my family, my home and this peaceful Kempton Road/Westborough Community before you vote.

I am totally opposed to Allen's request to rezone this property from low-density residential (R1-E) to General Commercial Park (C-6). This attempt by Craig Allen (who has an option to buy) is the 3rd attempt to rezone this residential property.

- 1996 Jack and Nell Buckner, filed a request for rezoning from R-1E to R-1 and a request to amend the One Year Plan in 1996. MPC approved their request, but City Council denied it.
- 2004 Rothchild requested rezoning from R1-E to Office and requested an amendment to The One Year Plan to change the plan for his property from LDR to Office. His intention was to use the property for catered events and receptions. His request was denied by MPC and was withdrawn immediately before a City Council meeting with it on the agenda.

MPC's requirement for Amendments/Rezonings are:

The Knox County Zoning Resolution and the Knoxville Zoning Ordinance may be amended by application to the Metropolitan Planning Commission by the property owner or representative. If the rezoning request involves an amendment to the One Year Plan, the legal guide for city zoning decisions, the applicant must also submit a proposed plan amendment. To receive consideration, an amendment must:

Be necessary due to changed conditions

Be consistent with the zoning ordinance

Not adversely affect other areas, and

Be consistent with city and county road, land use and facilities plans

Nothing has substantially changed to permit this property to be rezoned. Weigels was across the street before 1996 when the Buckners referenced it in their request to amend the One Year Plan and rezone the property from R1-E to R-1. The new Gallaher View Road was completed long before Rothchild's purchase and planned many years before that. Indeed, the only changes in this area is the change of Gibson's (not adjacent) property to Planned Residential and the addition of the private residence of the Ivan Zayets family at 1556 Robinson Rd, which borders the back of the Rothchild property. The Zayets would be very adversely affected by a commercial zoning.

- MPC November 14, 2013
Rothchild/Allen's request for commercial zoning is contrary to the One Year Plan and the Northwest City Sector

Plan.

- Rothchild/Allen's rezoning and proposed use of this property will adversely affect Westborough, the Zayets home, and the Gallaher View corridor. Granting the Rothchild property commercial zoning will also give the adjacent property owners, like Mr. Gibson, an argument to rezone their property along Gallaher View to office or commercial. The change in conditions in their argument will be the rezoning of the Rothchild/Allen property to C-6.

In 2002 Steven E. Brock, DDS filed to rezone the Gibson property from R-1E to O (office) to use for medical office space, but his request was denied.

MPC's Plan Amendment/Rezoning Report published July 8, 2004 recommended denial of Rothchild's application for rezoning this property from R1-E to Office. The report stated: "All the property abutting, or touching, Rothchild's property is zoned R-1E. To allow Rothchild O zoning would be spot zoning, which the courts have held illegal. Weigels is across the street, not abutting Rothchild's property."

The Report and the MPC Case Summary state: "Office use was considered for this site and other property along the reconstructed N. Gallaher View as part of a study in 2002. The consensus of that study was that the area should remain residential. There have been no significant changes to the area to warrant approval of this plan amendment."

Rezoning this property will cause a domino effect along Mars Hill and Gallaher View Road with property owners using this case as an argument to rezone their property for commercial use. The other individuals who own property along Gallaher View Road WILL be able to meet the first criteria when they approach MPC to rezone their property. The change they can legitimately state will be the rezoning of the Rothchild property.

As owner of Kempton Road property, I would like to maintain our residential area as it now exists. I appeal to you to carefully consider the effect this rezoning will have on our quiet neighborhood. You may reach me at [865-693-2698](tel:865-693-2698). Thank you very much for your consideration to this important issue

Sincerely,

Marilee B. Cavender



Fwd: Rezoning request of Mr. Craig Allen

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org> Mon, Oct 7, 2013 at 2:42 PM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>

----- Forwarded message -----
From: **Dearden, Boyd L** <bdearden@utk.edu>
Date: Mon, Oct 7, 2013 at 12:19 PM
Subject: Rezoning request of Mr. Craig Allen
To:

732 Kempton Road
Knoxville, Tennessee 37909
Phone (865) 693-4937

Via Internet

TO: MPC Commissioner
RE: 26. Craig Allen
South side Middlebrook Pike, east side N. Gallaher View Rd., Council District 2.

a. Northwest City Sector Plan Amendment 10-C-13-SP

From LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area) to C (Commercial), SLPA (Slope Protection Area) & STPA (Stream Protection Area).

b. One Year Plan Amendment 10-C-13-PA

From LDR (Low Density Residential) to GC (General Commercial).

c. Rezoning 10-F-13-RZ

From R-1E (Low Density Exclusive Residential) to C-6 (General Commercial Park).

Dear Commissioner

My wife and I have been residents of the Westborough Community for 39 years and have enjoyed the quality-of-life that this community has provided. It now seems that this quality may be compromised by a request by Craig Allen to rezone the property at 962 N Gallaher View Road from R1-E to C-6. This property is very close to our house, and rezoning it to Commercial would certainly disrupt the tranquility of an area that is all zoned R1-E.

There have been two previous attempts to rezone this property. In 1996, the Buckner's filed a request for rezoning this property from R1-E to R-1 and a request to amend the One Year Plan. MPC approved their request, but it was denied by City Council. In 2004, an attempt by Rothchild to rezone it from R1-E to Office (O) and requested an amendment to the One Year Plan to change the plan for his property from LDR to Office was denied by MPC and withdrawn from City Council.

MPC's own requirements for Amendments/Rezoning state:

The Knox County Zoning Resolution and the Knoxville Zoning Ordinance may be amended by application to the Metropolitan Planning Commission by the property owner or representative. If the rezoning request involves an amendment to the One Year Plan, the legal guide for city zoning decisions, the applicant must also submit a proposed plan amendment. To receive

MPC November 14, 2013

Agenda Item # 24

consideration, an amendment must:

Be necessary due to changed conditions

Be consistent with the zoning ordinance

Not adversely affect other areas, and

Be consistent with city and county road, land use and facilities plans.

Nothing has changed to permit this property to be rezoned. There has been a single residential home added to this area but that is consistent with the R1-E zoning. Every piece of property that touches the 962 N Gallaher View Road property is zoned R1-E. Weigel's was there before 1996 and the Gallaher View Road has been completed for years.

Mr. Allen's request for a General Commercial Park is contrary to the One Year Plan and the 2002 Walker Springs/Mars Hill Corridor Study (Alternative E) amending the Northwest City and Northwest County Sector plans.

Allen's rezoning and proposed use of the property (self-storage business) will adversely affect our neighborhood, our quality-of-life and the Gallaher View corridor.

Rezoning this property will cause a domino effect along Mars Hill and Gallaher View Road with property owners using this case as an argument to rezone their property for commercial use. The other individuals who own property along Gallaher View Road WILL be able to meet the first criteria when they approach MPC to rezone their property. The change they can legitimately state will be the rezoning of the property at 962 N Gallaher View Road. We have been told by a couple of trustworthy sources that there has been interest expressed in the purchasing of the Walker House (adjacent to the property Craig Allen wants rezoned), and to apply to MPC for rezoning from R1-E to Office.

In 2002 MPC recommended approval of the Walker Springs/Mars Hill Corridor Study (Alternative E) amending the Northwest City and Northwest County Sector plans. It was approved by City Council 4/16/2002 and it was approved by County Commission 4/22/2002.

MPC's Plan Amendment/Rezoning Report dated 7/8/2004 addressing Rothchild's request from R1-E to O stated:

All of the property abutting, or touching, Rothchild's property is zoned R1-E. To allow Rothchild O zoning would be spot zoning, which the courts have held illegal. Weigels is across the street, not abutting Rothchild's property.

NEIGHBORHOOD CONTEXT: This residential site is within the West Hills single family neighborhood that was zoned R-1E (Single Family Exclusive) in the 1980's.

STAFF RECOMMENDATION:

DENY O (Office) designation

Office used was considered for this site and other property along the reconstructed N. Gallaher View as part of a study in 2002. The consensus of that study was that the area should remain residential. There have been no significant changes to the areas to warrant approval of this plan amendment.

DENY O-1 (Office, Medical and Related services) zoning based on denial of the One Year Plan amendment. O-1 zoning of this site would lead to additional requests for non-residential used along this major road and lead to degradation of the residential character of the area, which has already been adversely impacted by the road widening.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

The proposed Office designation and zoning would be inappropriate, giving the applicant development rights that none of the adjacent property owners have.

The proposal would adversely impact the residential property to the north and east of the site.

The proposed use, as well as the wide range of other uses allowed under O zoning, would impact surrounding residences.

THE EFFECTS OF THE PROPOSAL

Public water and sewer utilities are available to serve the site.

The proposal will have no impact on schools and minimal impact on the street system.

Adjacent residential properties will be negatively impact if office use of the subject property is permitted.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

The Northwest County Sector Plan's current low density residential designation for this property should be maintained at this time.

The site is located within the Urban Growth Area on the Knoxville-Knox Count-Farragut Growth Policy Plan map.

This request could generate future request for office plan designations and zonings along the north side of n. Gallaher View Rd.

The property remains zoned R1-E.

The MPC staff has recommended that all of Mr. Allen's rezoning request be denied, and we urge you to accept staff's recommendation and to keep our neighborhood zoned R1-E.

As owners of Kempton Road property, we would like to maintain our residential areas as it now exists. We appeal to you to carefully consider the effect this rezoning will have on our quiet neighborhood. You may reach us at [865-693-4937](tel:865-693-4937). Thank you very much for your consideration to this important issue.

Sincerely,



Boyd L. Dearden



Roberta C. Dearden

Kathie Fahy Norwood
725 Kempton Road
Knoxville, TN 37909
Home (865) 693-5809
kathienorwood@aol.com
October 7, 2013

Dear Commissioners:

I understand that Craig Allen has an option to purchase the property located at 962 North Gallaher View Road, 37923 from Nathan Rothchild pending approval of his requests to amend the One Year Plan (MPC File No. 10-C-13-PA) and the Northwest City Sector Plan (MPC File No. 10-C-13-SP) and rezone the property from R1-E (Low Density Exclusive Residential) to C-6 (General Commercial Park) (MPC File No. 10-F-13-RZ). This latest rezoning request is on MPC's agenda for Thursday, October 10, 2013. The MPC staff has recommended denying the rezoning and the plan amendments needed to rezone.

I absolutely oppose Allen's requests for rezoning and for the plan amendments needed to rezone. I urge you to follow the staff recommendations and deny Allen's requests. Allen wants to build a storage facility on the property. A storage facility on this site would be very unattractive, may be lighted at night, would bring strangers into the area with resulting security concerns, and is absolutely inappropriate for this exclusively residential, R-1E, area.

This property is located at 962 North Gallaher View Road, 37923, at the intersection of Gallaher View Road and Middlebrook Pike, across from the Weigel Store. Most of us refer to it as the old Walker House or the Rothchild property. This is the view from Gallaher View Road.



The Rothchild/Allen property is deep, and the back of it is less than 400 feet from my back yard at 725 Kempton Rd., or almost the same distance from my back yard to the Bostons' back yard at 720 Kempton Rd.



I took the picture below from my backyard in September 2013. On the left you can see the corner of a rental house (currently vacant) at 1552 Robinson Rd, directly behind the fence in my backyard. The rental house is owned by Tony McNish, the grandson of Nell Buckner, a former owner of the Rothchild/Allen property. In the middle you can see the back of the Rothchild/Allen property at 962 Gallaher View Rd, with the back of the house and guest house visible. On the right you can see the Zayets' family home, built about four years ago. The Zayets' home, occupied by Mr. and Mrs. Ivan Zayet and four of their children, is adjacent to the back of the Rothchild/Allen property. All are R-1E Low Density Exclusive Residential.



Nathan Rothchild (Rothchild Catering) never lived in or intended to live in the house at 962 North Gallaher View Rd. Rothchild bought the property to use for catered wedding receptions and parties. His intention was to use the back of the property and tennis court area, less than 400 feet from my back yard, for the bands and lights etc. required for the receptions. His attempt to rezone for that purpose failed. He is now attempting to sell the property to Allen for a commercial park containing storage units.

The zoning history of Rothchild/Allen property, 962 North Gallaher View, is:

- In 1985 it was rezoned from R1 to R1E
- In 1996 Jack and Nell Buckner filed a request for rezoning from R-1E to R-1 which was denied.
- In 2004 Rothchild filed a request for rezoning from R1-E to Office which was denied.

This attempt by Craig Allen (who has an option to buy) is the 3rd attempt to rezone this residential property.

- **1996** Jack and Nell Buckner, filed a request for rezoning from R-1E to R-1 and a request to amend the One Year Plan in 1996. MPC approved their request, but City Council denied it.

- **2004** Rothchild requested rezoning from R1-E to Office and requested an amendment to The One Year Plan to change the plan for his property from LDR to Office. His intention was to use the property for catered events and receptions. His request was denied by MPC and was withdrawn immediately before a City Council meeting with it on the agenda.

The following is copy/pasted from the MPC Plan Amendment/Rezoning Report dated 7/8/2004.

All the property abutting, or touching, Rothchild's property is zoned R-1E. To allow Rothchild O zoning would be spot zoning, which the courts have held illegal. Weigels is across the street, not abutting Rothchild's property.

NEIGHBORHOOD CONTEXT: *This residential site is within the West Hills single family neighborhood that was zoned R-1E (Single Family Exclusive) in the 1980's.*

STAFF RECOMMENDATION:

- *DENY O 1(Office) designation*
Office use was considered for this site and other property along the reconstructed N. Gallaher View as part of a study in 2002. The consensus of that study was that the area should remain residential. There have been no significant changes to the area to warrant approval of this plan amendment.
- *DENY O-1 (Office, Medical and Related Services) zoning based on denial of the One Year Plan amendment*
O-1 zoning of this site would lead to additional requests for non-residential uses along this major road and lead to degradation of the residential character of the area, which has already been adversely impacted by the road widening.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

- 1. The proposed Office designation and zoning would be inappropriate, giving the applicant development rights that none of the adjacent property owners have.*
- 2. The proposal would adversely impact the residential property to the north and east of the site.*
- 3. The proposed use, as well as the wide range of other uses allowed under O zoning, would impact surrounding residences.*

THE EFFECTS OF THE PROPOSAL

- 3. Adjacent residential properties will be negatively impacted if office use of the subject property is permitted*

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. The Northwest County Sector Plan's current low density residential designation for this property should be maintained at this time.*
- 2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.*
- 3. This request could generate future requests for office plan designations and zonings along the north side of N. Gallaher View Rd.*

The property remains zoned R1-E.

MPC's requirements for Amendments and Rezonings are:

The Knox County Zoning Resolution and the Knoxville Zoning Ordinance may be amended by application to the Metropolitan Planning Commission by the property owner or representative. If the rezoning request involves an amendment to the One Year Plan, the legal guide for city zoning decisions, the applicant must also submit a proposed plan amendment. To receive consideration, an amendment must:

- be necessary due to changed conditions
- be consistent with the zoning ordinance
- not adversely affect other areas, and
- be consistent with city and county road, land use and facilities plans

<http://www.knoxmpc.org/zoning/quickfct/zoning.htm>

- **Nothing has substantially changed to permit this property to be rezoned.** Weigels was across the street before 1996 when the Buckners referenced it in their request to amend the One Year Plan and rezone the property from R1-E to R-1. The new Gallaher View Road was completed long before Rothchild's purchase in 2004 and planned many years before that. The only changes in this area is the change of Gibson's property (across Mars Hill Road from the Rothchild/Allen property) to Planned Residential in 2007 and the construction about 4 years ago of the private residence of the Ivan Zayets family at 1556 Robinson Rd, which borders the back of the Rothchild property. This commercial rezoning would be very unfair to the Zayetsfamily.
- Rothchild/Allen's request for commercial zoning is contrary to the One Year Plan and the Northwest City Sector Plan.
- Rothchild/Allen's rezoning and proposed use of this property will adversely affect Westborough, the Zayets home, and the Gallaher View corridor.
- Granting the Rothchild/Allen property commercial zoning will also give the adjacent property owners, like Mr. Gibson or Mr. Walker, an argument to rezone their property along Gallaher View to office or commercial. The change in conditions in their argument will be the rezoning of the Rothchild/Allen property to C-6. In 2002 Steven E. Brock, DDS filed to rezone the Gibson property from R-1E to O (office) to use for medical office space, but his request was denied. I have been told by two reliable sources that an attorney is interested in buying the J. D. Walker home, adjacent to the Rothchild/Allen property, to use for her law office. Rezoning the Rothchild/Allen property will be the first domino to fall.

There are other issues:

Gallaher View Road was planned and designed as a traffic mover, to connect Middlebrook Pike, Kingston Pike, and the Interstate, removing traffic from our West Hills neighborhood. The north portion of the road planned to have limited access and low density residential development.

The access to the Rothchild/Allen property is located near the intersection of Gallaher View and Middlebrook Pike which is congested. The additional burden of traffic caused by commercial development on Gallaher View Road would create a bad situation without a remedy.

The floodway of Ten-Mile Creek strongly suggests that any new development not add to the flooding. A previous MPC study found that office and commercial uses result in substantial amounts of impervious surface which is not appropriate.

I believe this to be a very important issue, not only for my neighborhood property values and security, but for some level of respect for the enormous time spent on the plans meant to protect neighborhoods and for the history of decisions made in the past. This is the third time someone has filed to rezone this property. The two previous requests in 1996 and 2004 to rezone from R-1E to R-1 or O were denied with good reason. This recent request for C-6 Commercial is cause for more concern. Nothing has changed in this area to justify rezoning. The only changes since an attempt to rezone in 2004 are the change in Gibson's non-adjacent property to Planned Residential and another single family residence recently built on the border of Rothchild/Allen's property, which would be an argument against rezoning. Approving this rezoning request would not only diminish the value of my property and the property of my neighbors, and but would set a bad precedent for other plans in the city.

I am attaching a document describing the property behind Kempton Road. Much of this information was gathered in 2004, but I have tried to update it.

I am also attaching a petition distributed to neighbors. Boyd Dearden, a Kempton Road neighbor will bring the signed copies to the MPC meeting. Boyd will speak for the Westborough subdivision.

Thank you.

Sincerely,

Katherine (Kathie) Fahy Norwood

Attachments

- Property behind Kempton
- Petition from neighbors

PROPERTY BEHIND KEMPTON RD

By Kathie Norwood 9/28/2013

Property Owners September 2013

A description of the property behind the Kempton Road homes follows. **With the exception of Gibson's property (RP-1, Planned Residential), which is separated from Rothchild's property by Mars Hill Road, all properties are zoned R-1E, Low Density Exclusive Residential.**

The Kempton Road / Westborough homes are shown with black ovals. My home, 725 Kempton Road, has blue around the numbers. Paulsens' home is shaded green.

3 Gibson David B, 645 Mars Hill Road. **RED**
I called Records on 9/16/2013, and the property is still owned by Gibson. I also called MPC on 9/16/2013, and it is zoned RP-1 and flooding, Planned Residential, up to 6 units per acre. The property was R1-E until 2007, when City Council approved a change to RP-1.

31.02 David Harrell, 626 Mars Hill Road, primary residence 609 Kempton Road.

32 Alcorn, 700 Mars Hill Road. This is a rental owned by William Robert Alcorn III, W. Robert Alcorn, and Marie F Alcorn, former Westborough neighbors.

33 William Paulsen. The Paulsens own two lots behind the Kempton residences, 706 and 702 Mars Hill Road. The house shown at 702 Mars Hill Road was torn down. The Paulsens' primary residence is 707 Kempton Road. Their home was built on two lots (shown as 705 and 709 on the map). **GREEN**

34 Jay Tony McNish. McNish acquired the property at 1552 Robinson Road by quitclaim deed from his grandmother, Eva Nell Buckner, on 10/29/2003. Buckner also owned and lived in what is now Rothchild's property. The McNish property is a rental property located directly behind my back yard.

BLUE/PURPLE

34.01 This property is the home of Ivan Zayets and his family, 1556 Robinson Road, Knoxville, TN 37923. The house was built about 4 years ago. It shares a boundary with Rothchild's property and will be adversely affected by any rezoning of the Rothchild property.

BLUE/PURPLE

35 Mars Hill Baptist Church's 2 houses, 1546 and 1548 Robinson Road. These houses were torn down. The property is currently owned by Central Baptist Church.

BROWN

37 **Rothchild/Allen, 962 North Gallaher View Road, 37923, "the Walker House." PLUM /ORCHID TEXTURED** Craig Allen has made an offer to purchase if it can be rezoned commercial so he can build a storage unit facility on the property. **It is zoned R1-E.**

According to the Records office 9/16/2013, the chain of ownership has been:

PROPERTY BEHIND KEMPTON RD

By Kathie Norwood 9/28/2013

- Brownlee
- House, Lawrence,
- ORNL Federal Credit Union,
- Buckner, Jack & Eva Nell,
- Sun Trust,
- currently Rothchild, Nathan & Susan

38 J. D. Walker home, 8322 Middlebrook Pike. This house is for sale. Kathleen Walker is deceased, and her husband JD Walker is in a nursing home. I checked MPC on 9/16/2013 and it is zoned R1-E.

39 Day care center, Middlebrook Playschool, 1526 Robinson Rd. This is zoned R1-E and was grandfathered because it was there for a long time.

40 Formerly Mars Hill Baptist Church, 1540 Robinson Road. This property, zoned R1-E is now owned by Central Baptist Church. According to the sign it is used for Middlebrook Christian Ministries, including 2 churches, Joni and friends, and Samaritan Ministry.

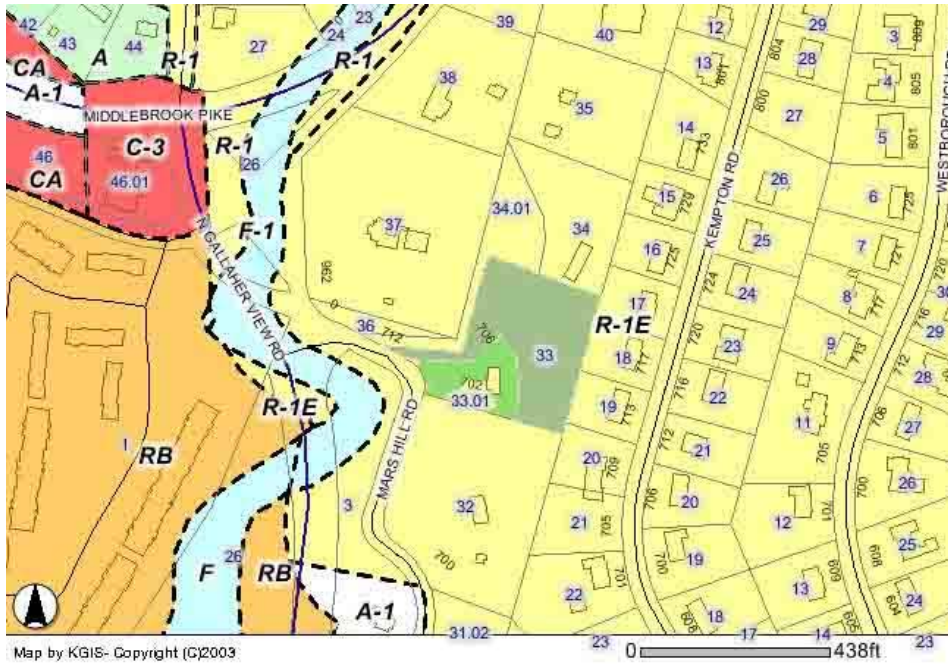


PROPERTY BEHIND KEMPTON RD
By Kathie Norwood 9/28/2013

Some additional maps and photos follow with detail on particular properties.

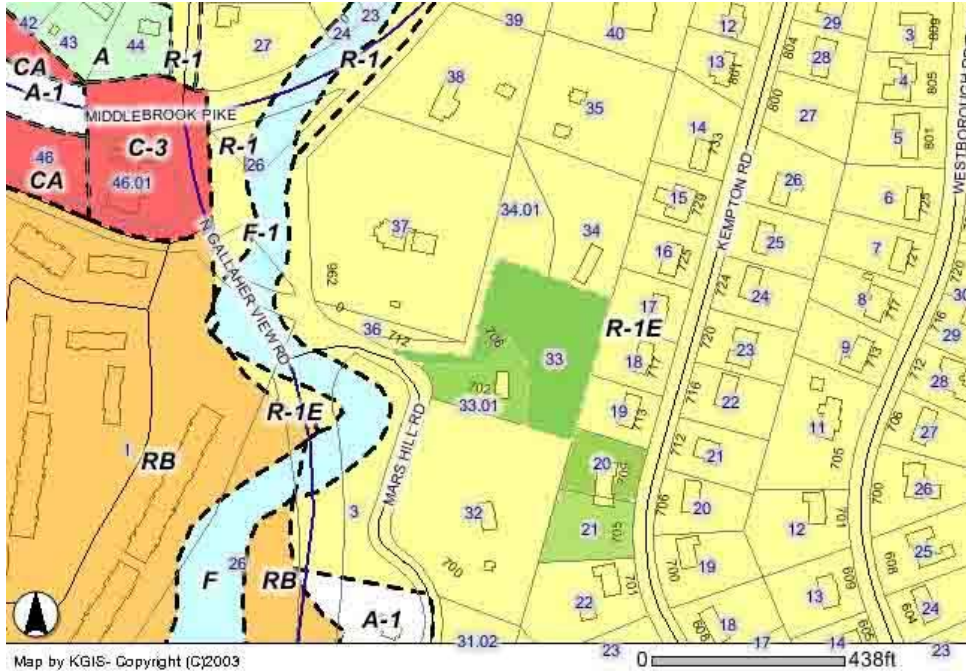
33 William Paulsen

The Paulsens own two lots behind the Kempton residences, 706 and 702 Mars Hill Road. The house shown at 702 Mars Hill Road was torn down. The Paulsens' primary residence is 707 Kempton Road. GREEN



The Paulsens' four lots, two on Mars Hill Road and two on Kempton Road.

PROPERTY BEHIND KEMPTON RD
By Kathie Norwood 9/28/2013

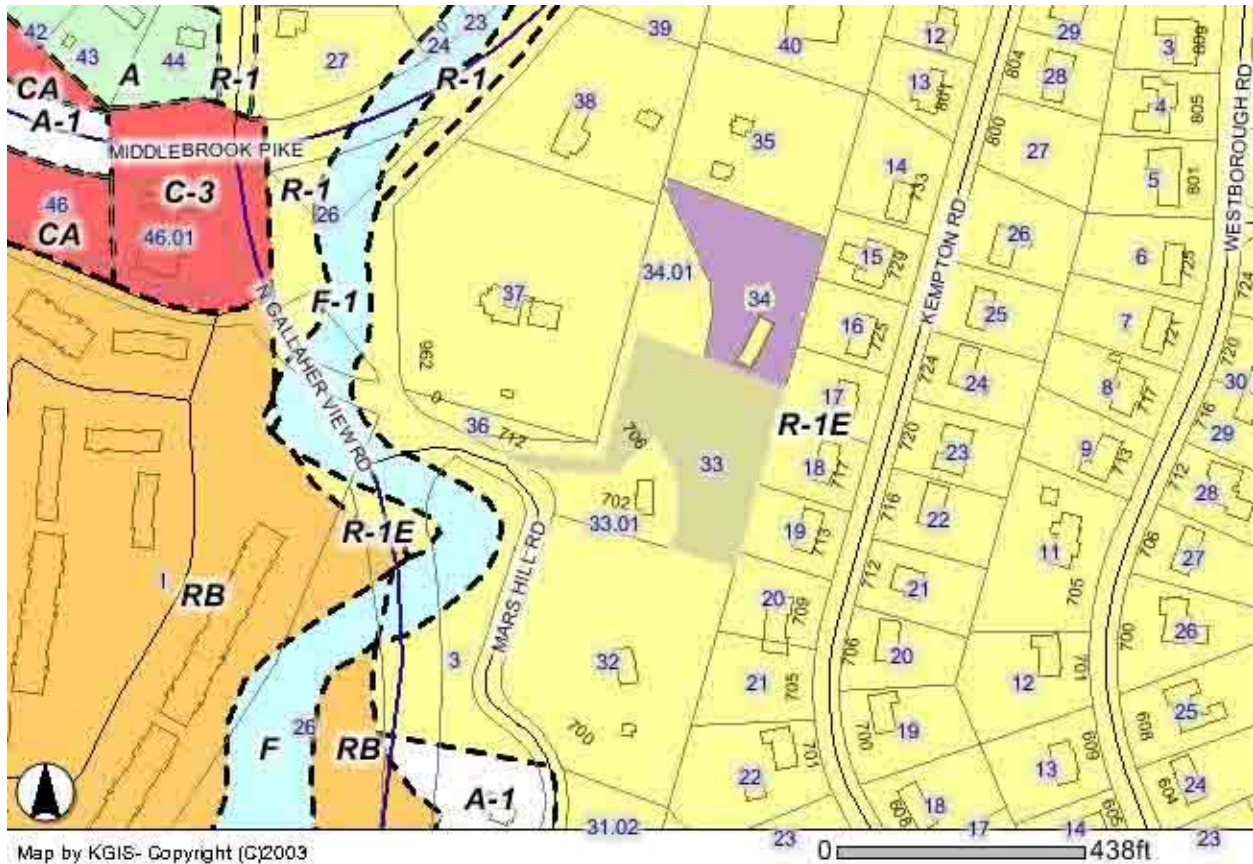


34 Jay Tony McNishacquired this property by quitclaim deed from his grandmother Nell Buckneron 10/29/2003. The property address is1552 Robinson Road.

There is no street, only a driveway, leading to this property, or to the back of the Rothchild property.

PROPERTY BEHIND KEMPTON RD

By Kathie Norwood 9/28/2013



Mr. and Mrs. Ivan Zayets and their children rented this property for many years, lot 34, directly behind my house, 725 Kempton Road. The Zayets family now lives in their own home on 34.01, address 1556 Robinson Road, Knoxville, TN 37923.

Before Buckner bought this property, it was owned by a person named Clabough, D.S.V. Partnership Property. In 1996, Clabough petitioned MPC for permission to subdivide the property into five small lots. His petition was denied because his plan had too many residences on a joint easement road. There was also some concern about water runoff onto the properties downhill. Clabough then sold the property to Buckner.

PROPERTY BEHIND KEMPTON RD
By Kathie Norwood 9/28/2013

I took the picture below from my backyard, 725 Kempton Road in 2004, before the Zayets' home was built. The house on the left is the rental house owned by McNish, #34. The two white houses on the right are the rental houses owned by Mars Hill Baptist Church,(later Central Baptist Church #35) which were later torn down.

The blue area left of the center is Rothchild's tennis court. The property behind the easement / driveway is Rothchild's up to the fence, right of center. To the right of the fence is J.D. Walker's home.



The Zayets' home at 1556 Robinson Road, Knoxville, TN 37923 is directly in front of Rothchild's tennis court. (Below)

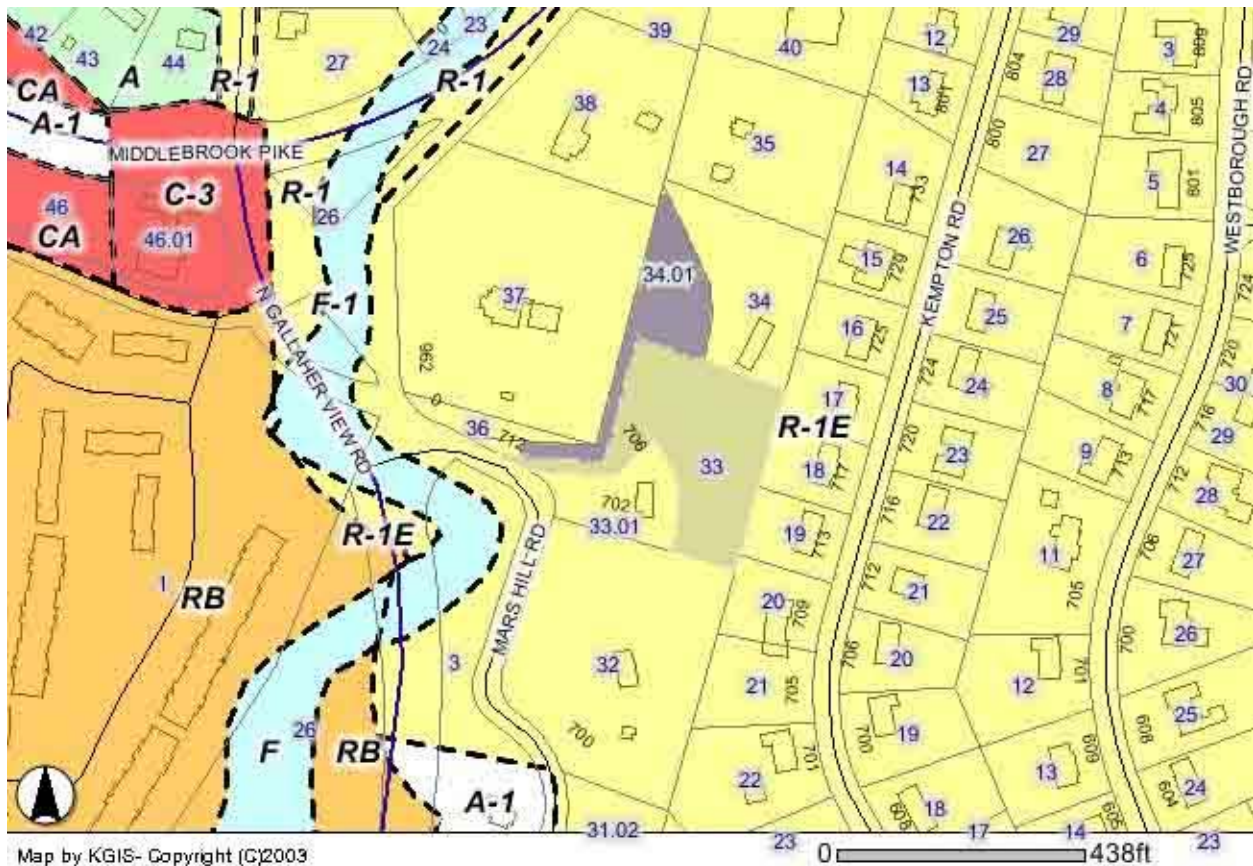


PROPERTY BEHIND KEMPTON RD
By Kathie Norwood 9/28/2013

To reach the McNish rental property (#34) or the back of the Rothchild property:

- At the traffic light at Middlebrook and Robinson, turn into the parking lot of the Middlebrook Christian Ministries formerly Mars Hill Baptist Church.
- Turn left in front of the mailboxes. The day care center will be on your right. Then on your right you will see the back yard of J.D. Walker' home (map 38), followed by the back of the Rothchild property, including tennis courts.
- If you follow the driveway further you will pass the Zayets home on your right then arrive at the garage of 1552 Robinson Road, The rental house is directly behind my fence.

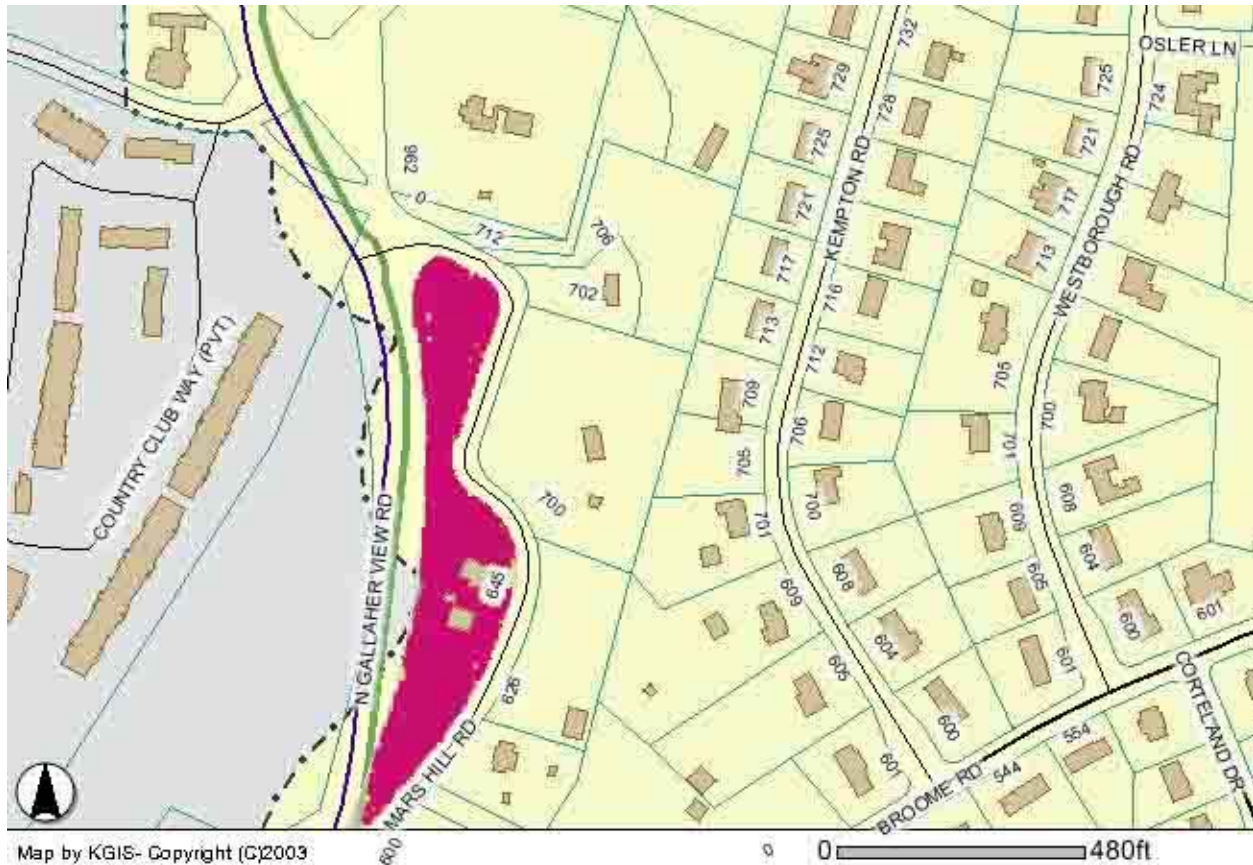
34.01 This is the home of Ivan Zayets and his family at 1556 Robinson Road, Knoxville, TN 37923. The house was built about 4 years ago.



PROPERTY BEHIND KEMPTON RD

By Kathie Norwood 9/28/2013

I am adding a map showing the Gibson property because David Gibson might benefit from having Rothchild's property rezoned to office or commercial. This property was R1-E until 2007, when City Council approved a change to RP-1. Rezoning Rothchild's property could be the change in the area that could enable Gibson to rezone his RP-1, Planned Residential, property to Office or Commercial. The old brick house that used to be on the property burned. The picture below shows the Gibson property east of Gallaher View Road.



In 2002 Steven E. Brock, DDS filed an application to amend the One Year Plan and to rezone the Gibson property from R-1E to O (office) to use for medical office space.

The following is copy/pasted from the MPC Plan Amendment Report dated 2/14/2002 and the case summary. The appeal was denied, and the MPC denial stands. I include this because of the proximity to the Rothchild/Allen property and the similarity in the arguments against rezoning this area.

***Walker Springs/Mars Hill Road Corridor Study recommends low density
MPC STAFF RECOMMENDATION:***

DENY One Year Plan Amendment, because of the following:

- 1. The recently completed Walker Springs/Mars Hill Road Corridor Study recommends low density residential and stream protection for this***

PROPERTY BEHIND KEMPTON RD

By Kathie Norwood 9/28/2013

property.

- 2. Under the corridor study, the property could be zoned RP-1 at 1 - 6 dwelling units per acre. This increases the range of uses permitted, compared to the current R-1E zoning.*
- 3. Rezoning this property would likely result in similar applications from other property owners in the corridor.*
- 4. The new connector road (North Gallaher View Road) parallels a stream corridor with flooding problems, which would be made worse if the remaining vacant land and residential properties were developed as offices.*
- 5. Additional traffic from office development would diminish the traffic carrying function of the new connector.*

COMMENTS:

The Walker Springs/Mars Hill Road Corridor Study addressed land use impacts related to the completion of the new North Gallaher View Road and the redefinition of the Ten-Mile Creek Floodway, based on a study completed by Knox County. This request was postponed to allow completion of the study. The corridor study recommended that this site be designated for low density residential development and stream protection. If this and other properties in the corridor were developed with offices, the traffic carrying capacity of North Gallaher View Road would be diminished and this portion of the Ten-Mile Creek floodway would be negatively impacted.

Kathie Norwood

725 Kempton Road

Knoxville, TN 37909

Home (865) 693-5809

kathienorwood@aol.com

PETITION

As a resident of the Westborough Subdivision in West Hills, I strongly object to Craig Allen's request to rezone the Rothchild property, aka The Walker House, (Tax ID 106 P A 037) located at 962 North Gallaher View Rd, 37923, from R-1E (Low Density Exclusive Residential) to C-6 (General Commercial Park) (MPC File No. 10-F-13-RZ), and object to Allen's request for the plan amendments that would be required for rezoning.

An attempt by previous owners, Jack and Nell Buckner, in 1996 to rezone the property from R1-E to R-1 was denied by City Council.

In 2002 MPC recommended approval of the Walker Springs/Mars Hill Corridor Study (Alternative E) amending the Northwest City and Northwest County Sector plans. It was approved by City Council 4/16/2002 and was approved by County Commission 4/22/2002. That study recommended that this area should remain residential.

In 2004 Nathan Rothchild requested rezoning from R1-E to Office and requested an amendment to The One Year Plan to change the plan for his property from LDR to Office. His intention was to use the property for catered events and receptions. His request was denied by MPC and his appeal to City Council was withdrawn immediately before the meeting with it on the agenda.

MPC's Plan Amendment/Rezoning Report published July 8, 2004 recommended denial of Rothchild's application for rezoning this property from R1-E to Office. The report stated: "All the property abutting, or touching, Rothchild's property is zoned R-1E. To allow Rothchild Office zoning would be spot zoning, which the courts have held illegal. Weigels is across the street, not abutting Rothchild's property." The Report and the MPC Case Summary state: "Office use was considered for this site and other property along the reconstructed N. Gallaher View as part of a study in 2002. The consensus of that study was that the area should remain residential. There have been no significant changes to the area to warrant approval of this plan amendment."

There has not been any significant change in this area after 2004 to justify rezoning. A new single family residence has been built at 1556 Robinson Rd on the back boundary of Rothchild's property, which is another argument against changing the zoning from R-1E to Commercial.

Other arguments against rezoning include flooding concerns, traffic concerns, a domino effect of additional rezoning requests along Gallaher View Road, as well as harm to the residential character of our neighborhood, which has already been harmed by the widening of Middlebrook Pike and Gallaher View Road.

Print name _____

Signature _____

Address _____



Fwd: rezoning of Rothchild property

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org> Tue, Oct 8, 2013 at 7:52 AM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>

----- Forwarded message -----

From: **jo ann porter** <jcporter@lycos.com>
Date: Mon, Oct 7, 2013 at 8:21 PM
Subject: rezoning of Rothchild property
To: bartcarey@comcast.net, gewart@georgeewart.com, makane1@bellsouth.net, Nathan.J.Kelly@gmail.com, cfomax@hotmail.com, Jtocher.mpc@gmail.com, herb@claibornehauling.com, artclancy3@gmail.com, lcole712@gmail.com, lenedna@bellsouth.net, rebeccalongmire@hotmail.com, brianpierce@mbiarch.com, jwroth@qmwkx.com, wstowers@stowerscat.com, mark.donaldson@knoxmpc.org

PETITION

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Jo Ann & Ray Porter

Address: 701 Keller Road, Knoxville, TN 37909

Agenda Item # 24

Fwd: MPC October 10, 2013 Meeting

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org> Tue, Oct 8, 2013 at 3:28 PM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>

----- Forwarded message -----

From: **Cap and Clara Hardin** <hcaphardin@comcast.net>
Date: Tue, Oct 8, 2013 at 1:08 PM
Subject: MPC October 10, 2013 Meeting
To: bartcarey@comcast.net, makane1@bellsouth.net, Nathan.J.Kelly@gmail.com, cflomax@hotmail.com, jtocher.mpc@gmail.com, herb@claibornehauling.com, artclancy3@gmail.com, llcole712@gmail.com, lenedna@bellsouth.net, rebeccalongmire@hotmail.com, brianpierce@mbarch.com, jwroth@qmwkx.com, wstowers@stowerscat.com, mark.donaldson@knoxmpc.org

Re: Craig Allen request to amend One Year Plan (MPC File No. 10-C-13-PA)

request to amend Northwest City Sector Plan
(MPC File No. 10-C-13-SP)
request to rezone 962 North Gallaher View Road
from R1-E to C-6 (MPC File No. 10-F-13-RZ)

We urge you to deny the above requests for these reasons:

1. The property is surrounded by residences. Commercial zoning would be out of character with the area.
2. There is no other commercial zoning on the east side of Gallaher View Road in the immediate area. To rezone 962 would prompt other rezoning to commercial requests, thereby defeating the purpose of Gallaher View as a traffic moving roadway.
3. Amendments to well-thought-out plans such as the One Year Plan and the city sector plans should be extremely rare.

We appreciate your careful consideration of this matter.

A. B. Hardin
Clara G. Hardin
713 Westborough Road

Dr. and Mrs. Ron Sandberg
728 Kempton Road
Knoxville, Tennessee 37909
October 6, 2013



Dear Mr. Donaldson:

Craig Allen has an option to purchase the property located at 962 North Gallaher View Road, 37923, from Nathan Rothchild pending approval of Allen's request to amend the One Year Plan (MPC File No. 10-C-13-PA) and the Northwest City Sector Plan (MPC File No. 10-C-13-SP) and to rezone the property from R1-E (Low Density Exclusive Residential) to C-6 (General Commercial Park) (MPC File No. 10-F-13-RZ).

Allen's requests are on the MPC agenda October 10.

As residents of Westborough for 40 years, we are writing to express our strong opposition to Craig Allen's requests to change the zoning of this property on Gallaher View Road from R-1E to C-6 and to any plan amendments that would be required for this rezoning. Craig Allen plans to build self-storage units on the property. A storage facility would be absolutely inappropriate for this exclusively residential area.

Nathan Rothchild's attempt to rezone this property from R-1E to Office in 2004 was correctly denied by MPC. The current rezoning request for C-6, General Commercial Park, is even more objectionable.

Nothing has changed in this area to justify this rezoning request

This property is close to homes in Westborough, particularly Kempton Road, and the Westborough subdivision will be adversely affected. We fear this deterioration will encourage further commercial development along Gallaher View Road and create traffic and flooding problems.

Rezoning for commercial use would violate the existing One Year Plan the Northwest City Sector Plan and the proscription against "spot zoning." The MPC staff has recommended denial of all these requests, and we urge you to accept staff's recommendations and to protect our neighborhood.

Thank you for your consideration of our concerns.

Sincerely,

Two handwritten signatures in black ink. The first signature is "Ronnie R. Sandberg" and the second is "Donaldson".