



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.

- 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

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.

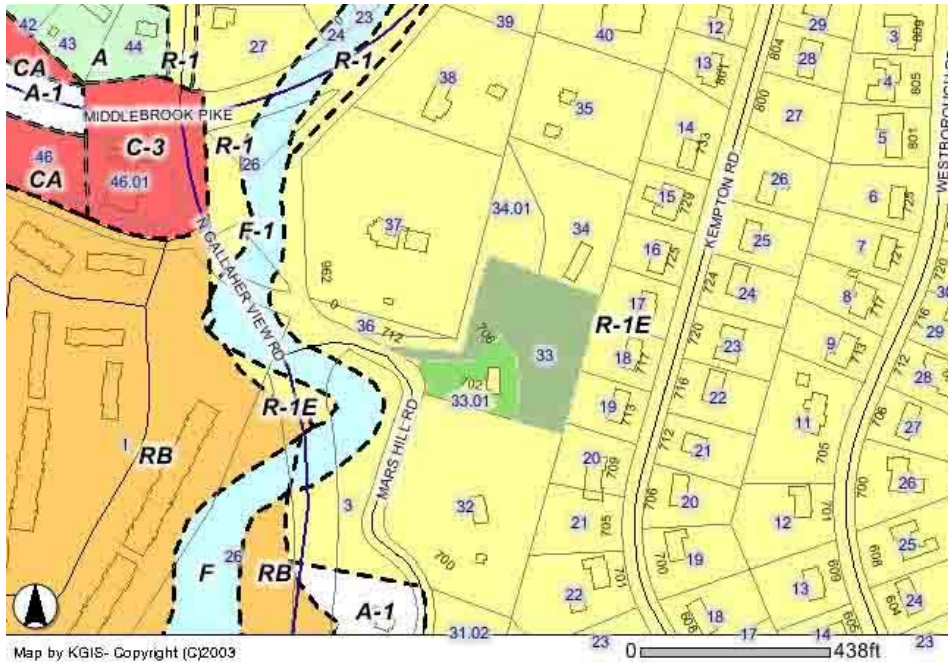


PROPERTY BEHIND KEMPTON RD
By Kathie Norwood 9/28/2013

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

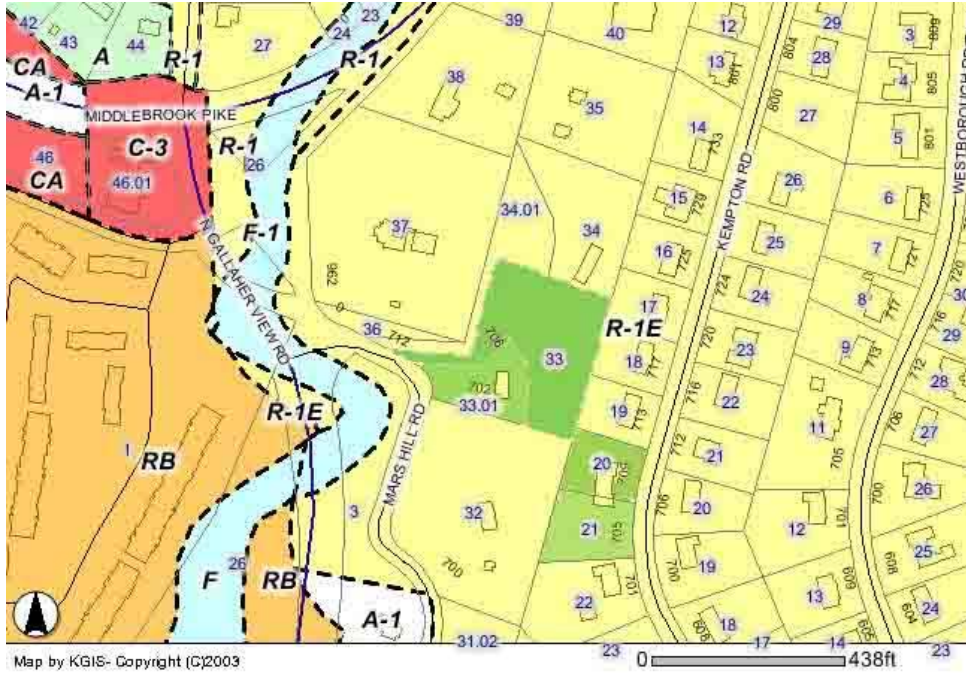
33 William Paulsen

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.

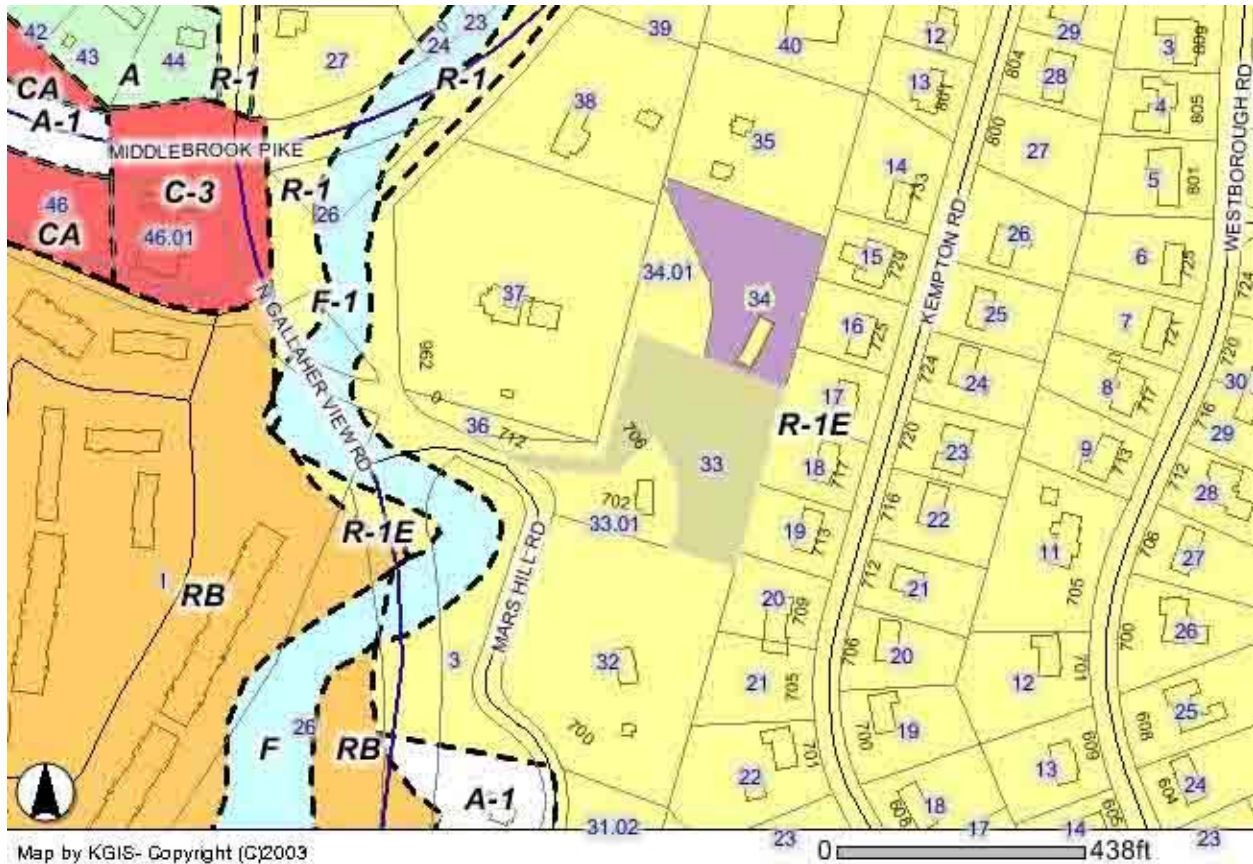
PROPERTY BEHIND KEMPTON RD
By Kathie Norwood 9/28/2013



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)

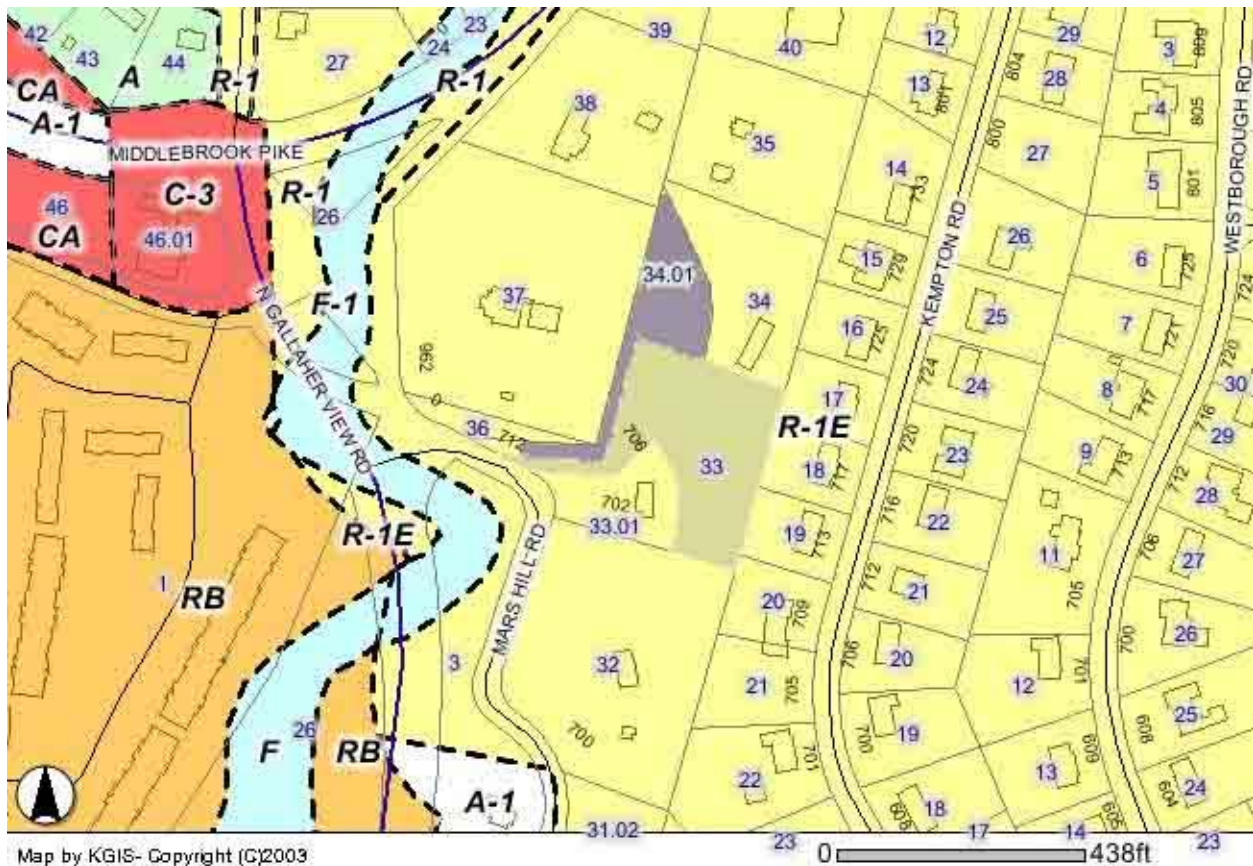


PROPERTY BEHIND KEMPTON RD
By Kathie Norwood 9/28/2013

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.

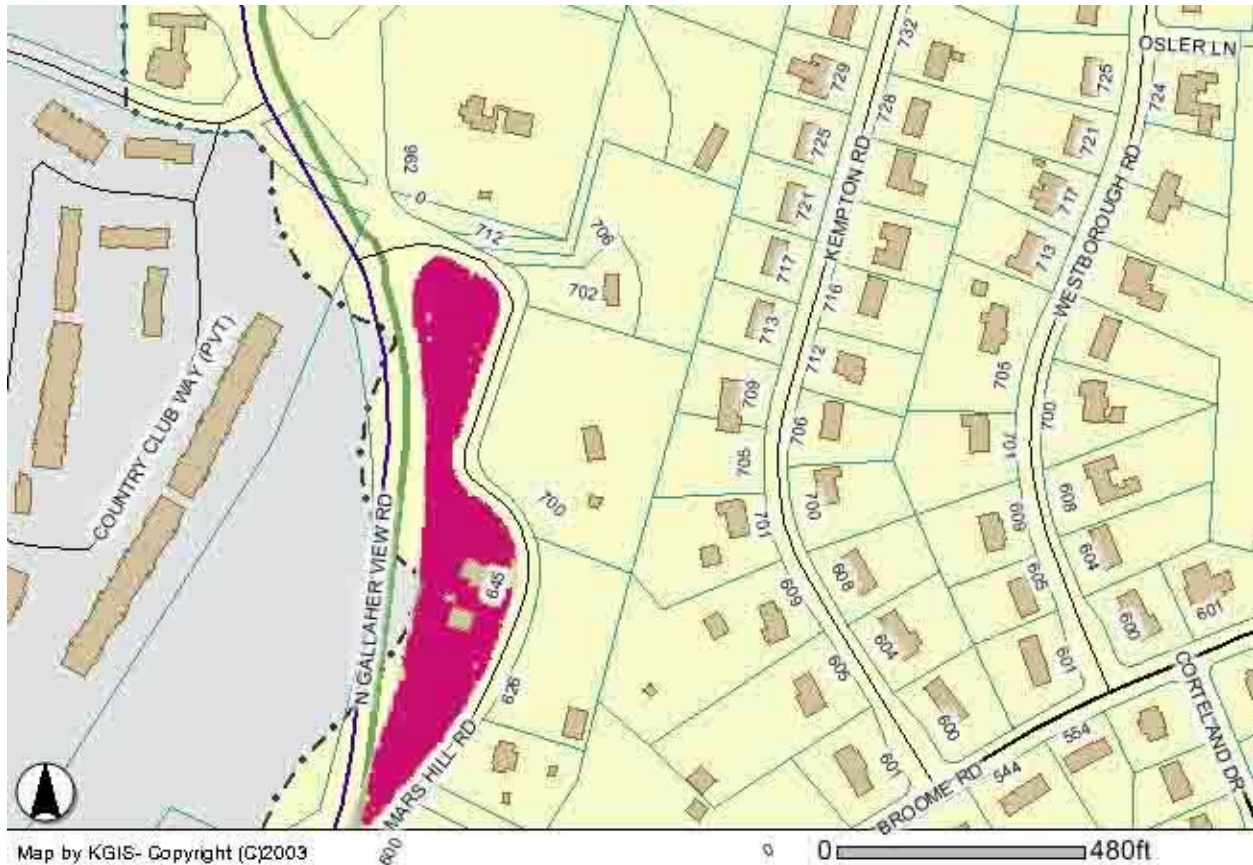
34.01 This is the home of Ivan Zayets and his family at 1556 Robinson Road, Knoxville, TN 37923. The house was built about 4 years ago.



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

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Jo Ann & Ray Porter

Address 701 Kempton Road, Knoxville, TN 37909

