

10-D-17-RZ-10-C-17-PA-10-C-17-SP-opp-10-12-17

*certified  
mail*

DATE: October 6, 2017

TO: Mr. Michael Brusseau, MPC Senior Planner  
Knoxville-Knox County Metropolitan Planning Commission  
City-County Building  
Suite 403  
400 Main Street  
Knoxville, TN 37902



RE: File Numbers: 10-C-17-PA AND 10-D-17-RZ (Tim Dwyer, Leesman Engineering)

Application Type: Plan Amendment

Location: South side S. Northshore Dr., north side Osprey Point Lane

Current zoning: O-1 (Office, Medical, and Related Services)

Requested zoning: C-6 (General Commercial Park)

Proposed use: Tire Discounters automobile service business

Applicant/Rep: Leesman Engineering

Dear Mr. Brusseau,

My name is Tim Stewart and I am the current president of the Stonebury Court Homeowners' Association. I am sending this letter and an attachment on behalf of our HOA members and other Osprey Point Lane land and home owners. **We fully oppose the rezoning request of the property located on Osprey Point Lane from the current zoning of O-1 to the requested zoning of C-6 .**

Below are our reasons for opposing this rezoning request:

1. We have an acceptable zoning at present, which we have worked previously with the property owner to maintain -- one which was set and supported by Knox County in 2012. I have attached a letter dated July 5, 2012 that concerns the previous rezoning request. The letter is from Mr. Chris Brown, who represented the same property owner. Please note that our HOA and Osprey Point Lane neighbors agreed to support the current O-1 zoning for the property to be used for a professional office building or a financial institution. The property owner's representative is now requesting rezoning to allow for a General Commercial Park that allows retail sales.
2. The current rezoning does not deter a fair use of the property by the current owner. The property owner must use it in the manner which has been agreed.
3. The surrounding and directly affected landowners wish to preserve their community in accordance with the current zoning requirements.
4. Those who will be directly or adversely affected by the proposed rezoning wish the current zone to be maintained.

5. There have been no studies or documents presented showing a community-based need for such a rezoning. Zoning regulations exist to protect the interests of directly affected parties and provide adequate access to services. The potential buyer is a Tire Discount automobile service business. There are 10+ tire and automotive service businesses within a 6 to 15 minute drive from Osprey Point Lane. Obviously, our community is already well-served by existing auto and tire service businesses.
6. There has been no cause shown why such a rezoning is in the interests of those directly affected. We have seen no studies supporting a valid need for such a rezoning. The only benefit is to the landowner and business owner.
7. Zone codes were developed to provide for ordered and planned growth. The zone ordinance allows the directly affected parties security and expectation for the future. The ability to change this at will by outside interests runs contrary to the intent of the zoning ordinance purpose.
8. There is concern that a retail business will decrease and not enhance the value of homes and property in our community.
9. There is concern about increased traffic flow and traffic safety at an already busy and dangerous intersection (Northshore Dr. and Osprey Point Lane). The area that surrounds Osprey Point Lane currently lies within the Parent Responsibility Zone for Northshore Elementary School, leaving parents responsible for student transportation to and from school. An amendment of the location to General Commercial (O-6) would negatively affect all families that are ineligible to receive bus transportation because of the increased traffic flow into and out of the proposed retail business.
10. There is concern that the proposed rezoning erodes the community center concept of Northshore Town Center where shopping, restaurants, and offices reside around the pedestrian-friendly streets.
11. There is concern about an increased noise level from the proposed commercial business.

We thank the MPC members for considering our reasons for opposing this rezoning proposal.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Stewart", with a horizontal line drawn through the middle of the signature.

Tim Stewart

President, Stonebury Court HOA

10-D-17-RZ-10-C-17-PA-10-C-17-SP

OPP-10-12-17

CHRIS E. BROWN  
C.E. BROWN PROPERTIES  
1619 SCHAEFFER ROAD  
KNOXVILLE, TN 37932

July 5, 2012

Stonebury Court HOA  
c/o Mr. Tim Stewart  
9615 Levens Way  
Knoxville, TN 37922

RE: ATTACHMENT TO  
LETTER TO MPC  
FOR FILE NUMBERS  
10-C-17-PA AND  
10-D-17-RZ (TIM  
DWYER, LEESMAN  
ENGINEERING)  
(10/6/17)

*certified mail  
with Tim Stewart  
letter*

Re: *Zoning of property at Pellissippi Parkway and Osprey Drive*

Dear Mr. Stewart:

Following up on our several conversations and pursuant to our agreement with the residents of Stonebury Court, we will agree to amend the rezoning request for the above project from C6 to O1 and in return your neighborhood association will by letter to MPC announce it supports the rezoning to O1.

O1 zoning will allow the property to be used for a professional office building or a financial institution, such as a bank. These businesses would be conducted during normal business hours. Businesses that concern the HOA are not included in the O1 zoning.

It is our intent that access to and from the development will be at the end closest to Northshore Drive, pursuant to the required approvals from the City of Knoxville and/or TDOT.

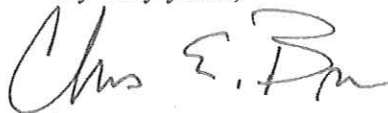
It will not be possible to develop a site plan at this time, since the identity of the tenants and uses of the property other than as stated above and allowed by the O1 zone are not known at this time. It is our intent to develop appropriate landscaping which would screen and buffer the site from the Stonebury Court homes. At present, the right of way for Osprey Point Drive is 150 feet. With the set backs for both the residential and the proposed uses of this property, there should be a 200 foot separation.

We would also endeavor to obtain the agreement of a subsequent purchaser if we are not the ultimate developer.

If this is our agreement please advise me right away.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris E. Brown". The signature is fluid and cursive, with the first name "Chris" being more prominent.

Chris E. Brown

C.E. BROWN PROPERTIES

CEB:alh

Stonebury Court

By: \_\_\_\_\_