

Date: August 8, 2018

To: MPC Commissioners

Re: File 7-E-18-RZ; 7-C-18-SP, 9600 Westland Drive

Request of Craig Allen to rezone part of 9600 Westland Drive from an Agricultural zone to GC/CA zone for a self-service storage facility

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We have lived at 9520 Westland Drive since 1977. Our house is located on the hillside south of Westland Drive and east of the Pellissippi Parkway, and is adjacent to the back two acres of the 9600 Westland Drive property that is to remain Agricultural. A drawing of these properties is attached. We have been an active part of the Westland Drive community for the past 40 years, involved in zoning and other matters.

We support Craig Allen's request to rezone the front part of 9600 Westland Drive from an Agricultural zone to GC/CA zone because use of the property will be limited to the proposed self-service storage facility. Mr. Allen has agreed to restrictive covenants that assure the self-service storage facility will be limited as to building height, lighting and signage, will preserve a natural buffer along the north side of the creek that divides the property, will provide fencing and landscaping, and will generate minimal traffic on Westland Drive at a location next to the Pellissippi Parkway interchange. A two story office and manager's apartment at the front of the development assures the security of the premises.

The property at 9600 Westland Drive fronts on Westland Drive immediately east of the Pellissippi Parkway interchange. The entire 9600 Westland property is slightly less than 6 acres, including the two wooded acres on a steep hillside on the south side of the creek. The front property is oddly shaped with a three sided square area jutting west toward the Parkway. Development of the property is further limited by the creek that divides the property, by a

secondary creek that flows around the perimeter of the property to the west, and by other water sources.

The self-service storage facility would not be a massive, multistory building such as the self-service storage facilities developed at Peters Road and Ebenezer Road and on Northshore Drive near the Pellissippi Parkway. Instead, Mr. Allen's development plan shows two, rectangular buildings, one behind the other, each 1½ stories in height, and each with a maximum of 50,000 square feet.

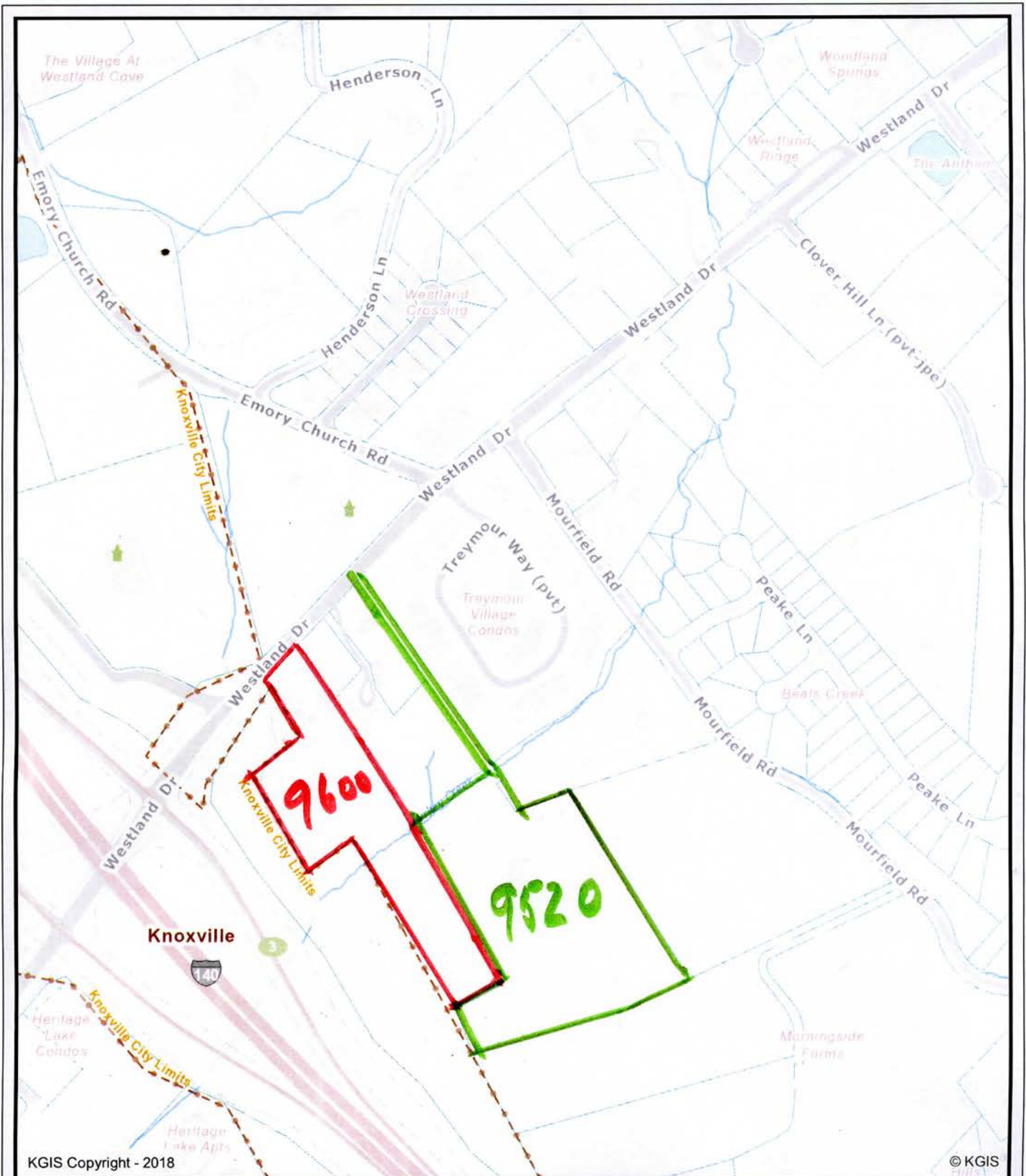
Traffic on Westland Drive is a major community issue, and is a serious problem near the Pellissippi Parkway interchange. The diamond interchange is limited in its ability to accommodate more vehicles. While Westland Drive from Ebenezer Road to Pellissippi has turn lanes, the section of Westland Drive immediately west of Pellissippi Parkway is limited to two lanes, primarily because of a cemetery. As of 2016, the traffic count for Westland Drive near Lotts Elementary School was 11,480 vehicles per day. Nearby apartments under construction on Emory Church Road will generate up to an additional 2100 trips per day. These numbers do not include traffic from two new subdivisions, Westland Gardens and Beals Creek, and one additional development further west on Westland Drive. An important asset of the proposed self-service storage facility is that it would add an insignificant amount of traffic to the increasingly congested Westland Drive, particularly at the Pellissippi Parkway Interchange.

We understand that the Knox County Zoning ordinance does not provide a method to condition this rezoning to the proposed use with limitations. However land use law provides an additional option, the control of land use by private contract. Mr. Allen is in the self-service storage business in Knoxville and in the Nashville and Franklin areas. We have entered into a contract

with Mr. Allen in which he has agreed that if the property is rezoned CA to permit the self-service storage facility, he will execute and record restrictive covenants on the property that will limit the use of the property zoned CA to this self-storage facility, including use, height, lighting, lot coverage, landscaping, signage, building materials, fencing, and natural buffer restrictions.

We agree that the intensive commercial uses, high traffic volume, building height, lighting, signs and noise associated with unrestricted uses permitted in a CA zone are not be appropriate for the residential area east of the Westland Drive and Pellissippi Parkway intersection, but we believe that the self-service storage facility, as described and as limited in the agreed restrictive covenants, is an appropriate use given its low impact. We ask that MPC recommend approval of the GC(General Commercial)/CA (General Business) rezoning request to Knox County Commission so that we can have a low impact land use controlled by restrictive covenants at this location.

Jack Woodall and Sharon Boyce  
9520 Westland Drive  
Knoxville, TN 37922



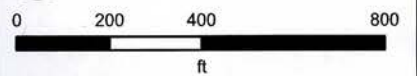
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9520 and 9600 Westland Dr



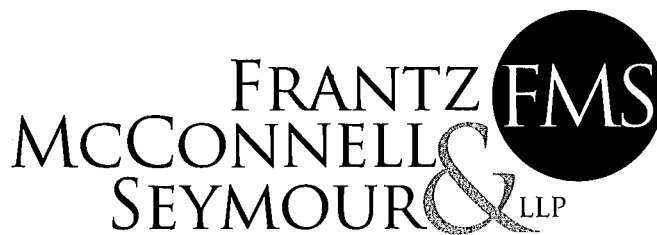
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August 8, 2018

*Via E-mail*

**MPC Commissioners**

Knoxville-Knox County MPC  
Suite 403, City County Building  
400 Main Street  
Knoxville, Tennessee 37902

Re: *Item No. 27 – Applicant Craig Allen*

Dear Commissioners:

This letter is written on behalf of our client Craig Allen who is the applicant in the above-captioned Plan Amendment and Rezoning request.

Mr. Allen is requesting GC (General Commercial) & O (Office)/CA (General Business) & OA (Office Park) in order to enable him to build storage facilities at this location. At your MPC Agenda Review meeting on Monday, you were shown the type of facilities Mr. Allen has built in the past and intends to build at this site should zoning be obtained.

I am mindful and Mr. Allen is mindful of the fact that approval of the zoning does not ensure that the storage units as presented will be built.

To that end, he has met with the neighbors and in particular Sharon Boyce and Jack Woodall who immediately adjoin this property. Mr. Woodall and Ms. Boyce have been vocal in speaking out on development issues in this area of Westland Drive.

To ensure that the storage units as presented are built, Mr. Allen and Mr. Woodall and Ms. Boyce, both of whom are lawyers, have negotiated Restrictive Covenants that will be placed against Mr. Allen's property if the rezoning is granted. I enclose a copy of those covenants.

These covenants, although enforced privately, will ensure that the property is developed in accordance with Mr. Allen's plans.

MPC Commissioners

Re: *Item No. 27 – Applicant Craig Allen*

August 8, 2018

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Mr. Woodall and Ms. Boyce undoubtedly will communicate with you separately, but I think all the parties recognize that storage of the type Mr. Allen will construct on the property if the zoning is approved will be very low impact, will not generate traffic to speak of and will be a good neighbor to Mr. Woodall and Ms. Boyce. I think they would much prefer this type of use for the property than additional homes or other uses that might be allowed.

We would urge you to positively recommend this rezoning to the Knox County Commission.

Very truly yours,



Arthur G. Seymour, Jr.

FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:lbb

Enc.

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## RESTRICTIVE COVENANTS

WHEREAS, H. CRAIG ALLEN has purchased a tract of land at 9600 Westland Drive located in the Sixth Civil District of Knox County, Tennessee, without the corporate limits of the City of Knoxville, Tennessee, being Tax Parcel 033 on Knox County, Tennessee, Tax Assessor's Map 144, containing approximately 5.39 acres, more or less, which tract was conveyed to H. CRAIG ALLEN by deed from Kay Hinderliter dated the \_\_\_ day of \_\_\_\_\_, 20\_\_ recorded as Instrument No. \_\_\_\_\_, in the Register's Office for Knox County, Tennessee (herein after Tax Parcel 033); and

WHEREAS, H. CRAIG ALLEN has agreed to sell part of Tax Parcel 033 to ALBERT JACKSON WOODALL AND SHARON ELAINE BOYCE, the sale area being the southern part of that tract, 2.0 acres more or less, beginning at the middle of the stream that divides the tract and continuing southeast to the end of the property (hereinafter "Sale Property"). The Sale Property and the Remaining Property are delineated on Exhibit "A" attached hereto, and

WHEREAS, the Sale Property adjoins property now owned by ALBERT JACKSON WOODALL AND SHARON ELAINE BOYCE, which is Tax Parcel 37.06 on Knox County, Tennessee, Tax Assessor's Map 144 and was conveyed to them by deeds dated August 27, 1976 of record in Book 1588, Page 686; dated October 19, 1994 of record in Book 2158, Page 1015; dated December 29, 1994 of record in Book 2164, Page 736, and dated January 20, 1998, of record in Book 2274, Page 259 in the Register's Office for Knox County, Tennessee, which property is intended to receive the benefit of these restrictive covenants together with the Sale

Property, and which together with the Sale Property are referred to herein as the beneficiary properties (hereinafter "Beneficiary Properties"), and

WHEREAS, H. CRAIG ALLEN has rezoned part of Tax Parcel 033 to CA, General Business, under the Knox County Zoning Ordinance on September 24, 2018 (hereinafter CA Zone Property) for use as a self-service storage facility. The CA Zone Property and the Beneficiary Properties and are delineated on Exhibit "B" attached hereto;

WHEREAS, H. CRAIG ALLEN and ALBERT JACKSON WOODALL AND SHARON ELAINE BOYCE have determined that intensive commercial uses, high traffic volume, building height, lighting, and noise associated with uses in a CA zone are not appropriate for this residential area around the Westland Drive and Pellissippi Parkway intersection, but the self-storage facility as described and as limited in these restrictive covenants is an appropriate use with low impact and generating low traffic volume, and

THEREFORE, For a period beginning on the date hereof, \_\_\_\_\_ and ending fifteen (15) years thereafter, \_\_\_\_\_ H. CRAIG ALLEN on behalf of himself and his heirs, successors and assigns, covenants that the use of the CA Zone Property under the Knox County Zoning Ordinance will be restricted to use for a self-service storage facility with the use, height, lighting, lot coverage, landscaping, signage, materials, fencing, and natural buffer restrictions on the CA Zone Property as described below. These covenants shall run with the land for the benefit of, and be enforceable by ALBERT JACKSON WOODALL AND SHARON ELAINE BOYCE, their heirs, successors and assigns, and subsequent owners of the Beneficiary Properties as the ownership of these properties may change from time to time.



The DURATION of these covenants is based on the premise that H. CRAIG ALLEN will build the self-service storage facility shortly after the entry of these restrictions. If the self-service storage facility shown on the attached plan sheet Exhibit "C" is not completed on the CA zoned properties before \_\_[enter date 15 years after signing of restrictive covenants]\_\_, these covenants may be extended upon written notice to Seller for an additional period of five (5) years thereafter at the sole discretion of the owner(s) of the Beneficiary Properties.

**Use Restrictions** – The CA Zone Property may only be used for a self-service storage facility with a separate office and apartment for the manager of the facility, together with related fencing and temporary parking for customers and parking for the manager of the storage facility. The storage buildings may have storage units with doors that open to the outside. No storage is allowed outside facility buildings, including outside storage for cars, trucks, campers, motor homes, recreational vehicles, boats, boat trailers, motorcycles, off-road vehicles, horse trailers, trailers, similar items, or any other item not permanently affixed to the land. No mobile homes, modular homes, trailer houses or any other building not-stick built on-site shall be installed upon the CA Zone Property.

**Height** - The self-service storage facility shall have a maximum measured height of 25 feet above the ground at the peak on the north side of the of each building, and a maximum measured height of 26 feet above the ground at the peak on the south side of each building, except for a decorative tower. The decorative tower shall have a maximum measured height of 31 feet above the ground at the peak. The separate office/manager apartment facility shall have a maximum

measured height of 31 feet at the peak All buildings shall be constructed and maintained with heights as shown on the attached plan sheet, Exhibit "C".

**Lighting-** No outdoor lighting may be installed upon the CA Zone Property that is not shielded or focused so that it will not cast light upon or illuminate any property outside the CA Zone Property boundaries. All outdoor lighting installed upon the CA Zone Property shall comply with the Fixture Seal of Approval of the International Dark Sky Association to minimize the effects of light pollution. The lighting shall be fully shielded (pointing downwards), only be used as needed, only light the area that needs it, be no brighter than necessary, and minimize blue light emissions. Interior lighting shall not be visible from outside the CA Zone Property.

**Lot Coverage** - The lot coverage of the self-storage facility on the CA Zone Property in Tax Parcel 033 shall not exceed more than two (2) bi-level buildings, each limited to a footprint of 25,000 square feet, for a total square foot limit of 50,000 square feet for each building, and a total square foot limit of 100,000 square feet, together with a separate, smaller building limited to an office and a manager's apartment, all as shown on the attached plan sheet, Exhibit "D".

**Landscaping** - All driveways, walks, and parking areas must be concrete or asphalt pavement. Exclusive of the Natural Buffer Area, all areas outside of buildings and concrete or asphalt pavement must be covered with grass, trees, shrubs or other landscaping materials and maintained in a neat and attractive condition.

**Existing Mature Trees** – In addition to requirements to maintain the Natural Buffer Area, where feasible, existing mature trees shall be retained on the CA Zone Property.

**Signage** – The self-service storage facility may include signage, but electronic message centers and billboards are prohibited on the CA Zone property. The facility signage is limited to signage on the facility buildings, and to a single, two-sided, indirectly illuminated, monument sign with a

maximum height of six feet and maximum square footage of 60 square feet on each side of the sign. A monument sign is a sign which is supported by and integrated with a solid base, as opposed to poles, posts or other such supports. Building signs shall be of the type shown in Exhibit "E", shall not project above the wall of the building, and may only be indirectly illuminated.

**Materials** - The materials used in the construction of the facility shall be split-face block and synthetic stone as those as shown in Exhibit "C".

**Fencing** - The fencing erected upon the CA Zone Property shall be either wrought iron fence or wood shadow box fence. In the rear of the facility, an eight foot high wood shadow box fence shall be located parallel to and at a minimum of 70 feet from the stream that divides the CA Zone Property and the Beneficiary Properties, as shown on the plan sheet, Exhibit "D". The location of the rear fence may be changed by the written agreement of the parties to take into account such matters as waterways on the property.

**Natural Buffer** - The CA Zone Property is bounded on the rear by a blue line stream that separates the Sale Property from the CA Zone Property. The area between the rear fence of the self-storage facility and the stream, approximately 175 feet in width and varying from 72 feet to 84 feet in depth as shown on Exhibit "D" shall be preserved as a Natural Buffer Area, except as necessary for the construction and maintenance of a detention basin, access to the detention basin and access to the sewer line easement that crosses the Natural Buffer Area. The purpose of this natural buffer is to leave a dense, wooded, natural area at the rear of the CA Zone Property to provide a screen for the Sale Property and the Beneficiary Properties from a view of the self-service storage facility, and associated construction, use, traffic, noise and lighting, to provide a wildlife and aquatic habitat, to provide shade for the stream, and to preserve the stream banks

and water quality from the effects of construction and the commercial CA use. Except as necessary to construct a detention basin, which will be designed to complement the Natural Buffer Area, and to minimize its intrusion into and impact upon the buffer area, the Natural Buffer Area is to be preserved in its natural, existing state, with no disturbance or grading of the land and no cutting or disturbing of native trees and shrubs, native vines and other vegetation.

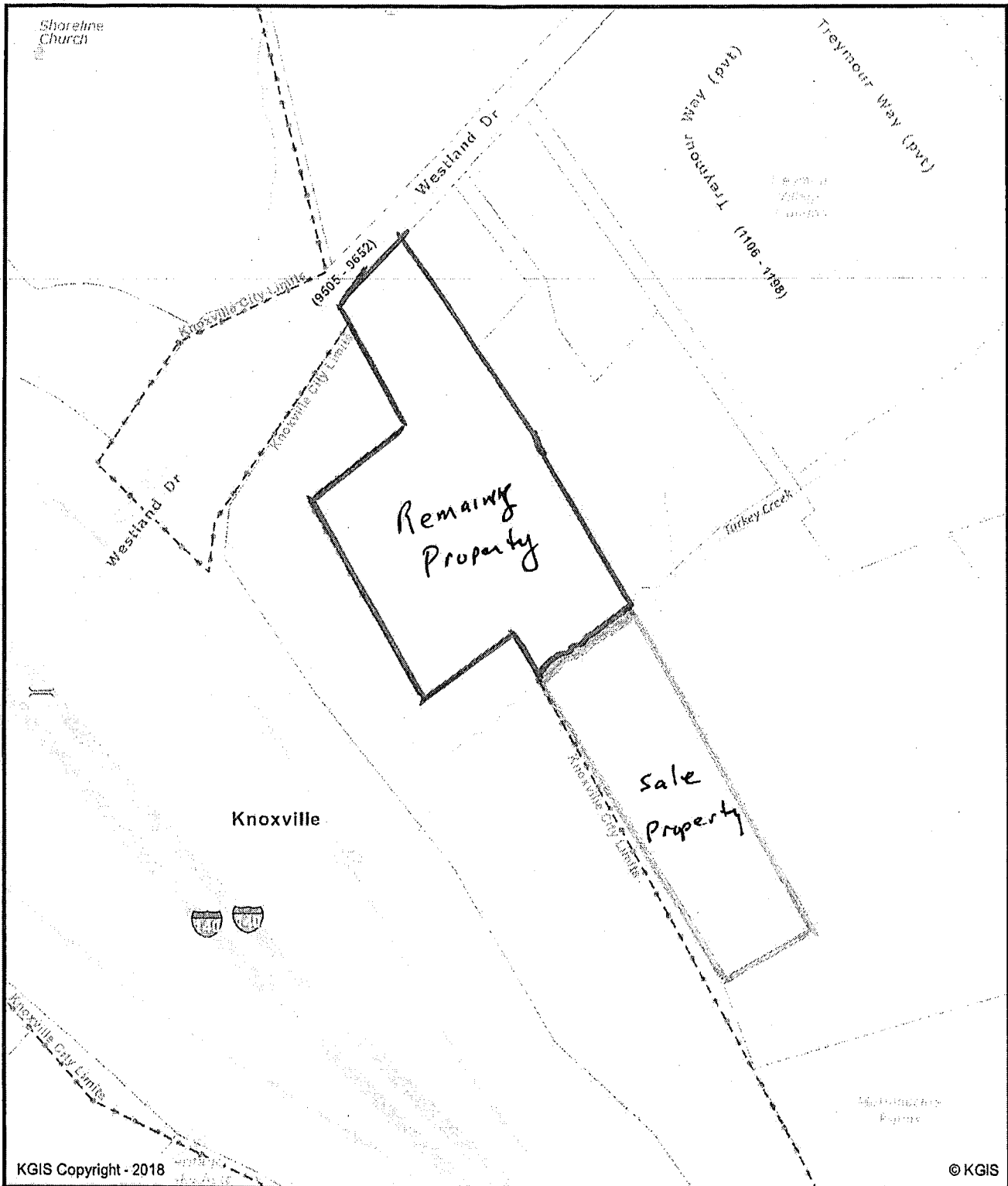
However, trees may be cut within the buffer if such trees are dead, dying or in imminent danger of falling upon a building, fence, such other improvement, or onto adjacent property. If the Natural Buffer Area is destroyed by fire, wind or natural disaster, the natural buffer is to be promptly replanted with a dense forest of native trees and shrubs.

During construction of the self-storage facility, the Natural Buffer Area is to be separated by a fence to protect it from intrusion by construction activity and storage of materials.

**General** -No noxious, offensive, or illegal trade or activity shall be carried upon any portion of the tract. All rubbish, trash, or garbage shall be regularly removed from the premises and shall not be allowed to accumulate thereon.

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**H. CRAIG ALLEN**



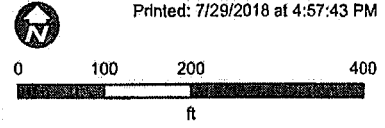
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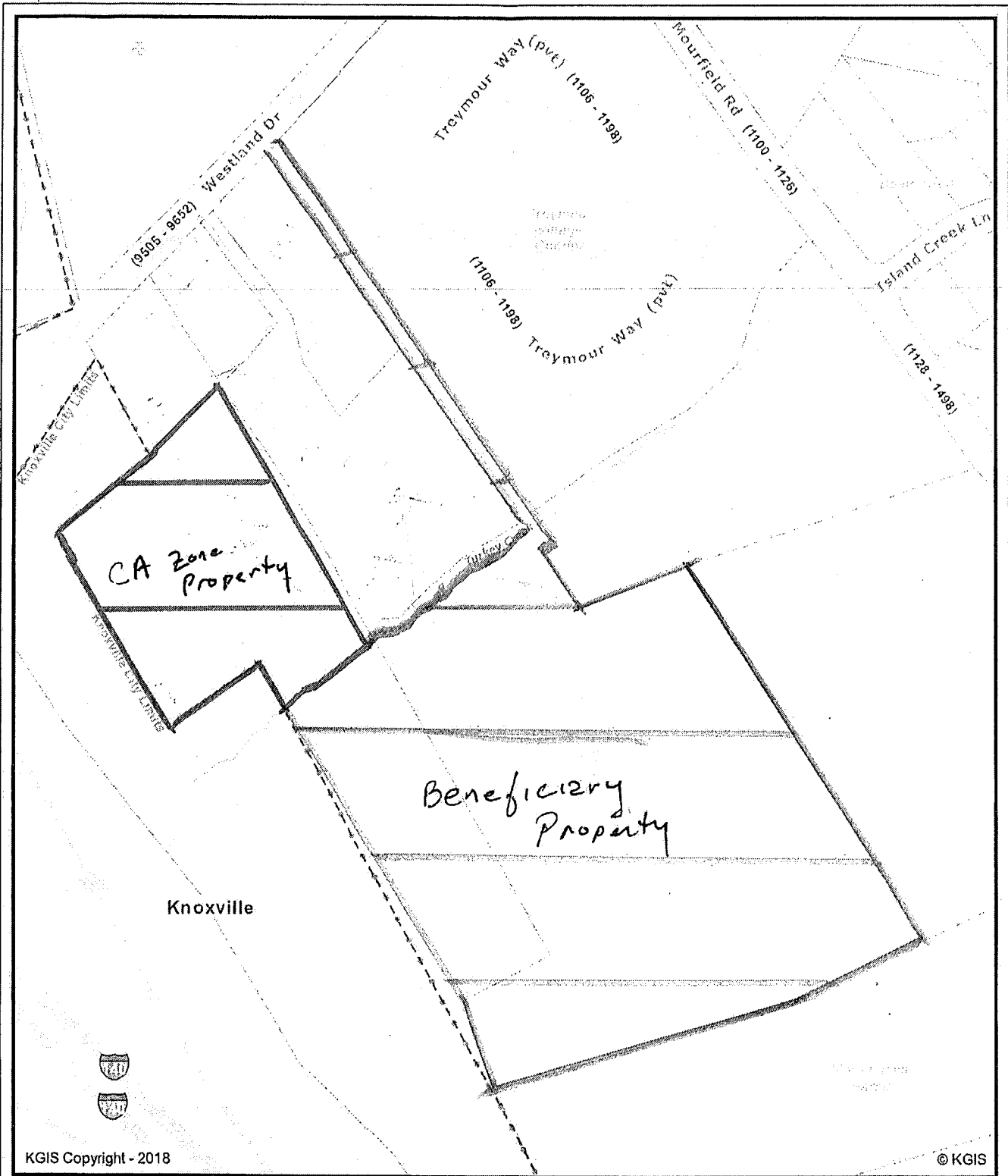
**Restrictive Covenants - Exhibit A**

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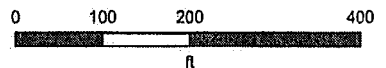


## Restrictive Covenants - Exhibit B

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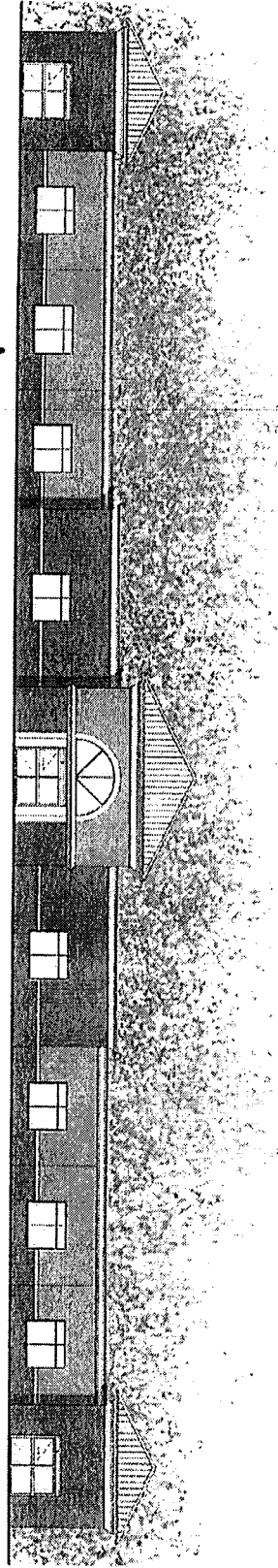


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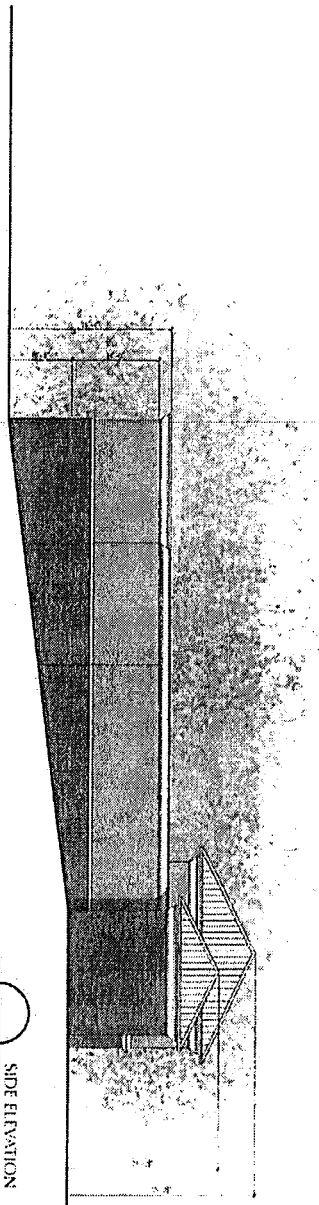


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FRONT ELEVATION



SIDE ELEVATION



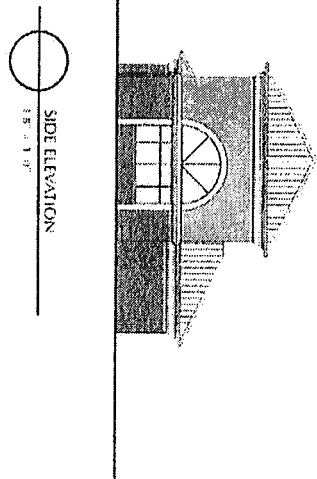
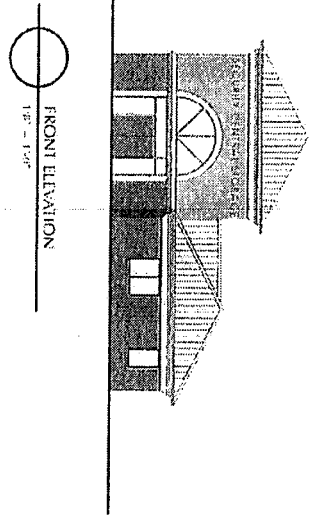
Restrictive Covenants  
Exhibit C

DATE	1/15/10
DRAWN BY	J. H. HARRIS
CHECKED BY	J. H. HARRIS
SCALE	AS SHOWN
PROJECT NO.	10-001
CLIENT	SECURITY CENTRAL STORAGE
ADDRESS	1000 N. W. 10th St., Knoxville, TN 37911
DESCRIPTION	RESTRICTIVE COVENANTS
DESIGNED BY	J. H. HARRIS
DATE	1/15/10

SECURITY CENTRAL STORAGE

ENOX COUNTY  
KNOXVILLE, TENNESSEE

J. H. HARRIS  
 ARCHITECT  
 1000 N. W. 10th St.  
 Knoxville, TN 37911  
 (615) 582-1111  

Restrictive Covenants  
Exhibit C

SECURITY CENTRAL STORAGE  
KNOX COUNTY  
KNOXVILLE, TENNESSEE

SECURITY CENTRAL STORAGE

KNOX COUNTY  
KNOXVILLE, TENNESSEE

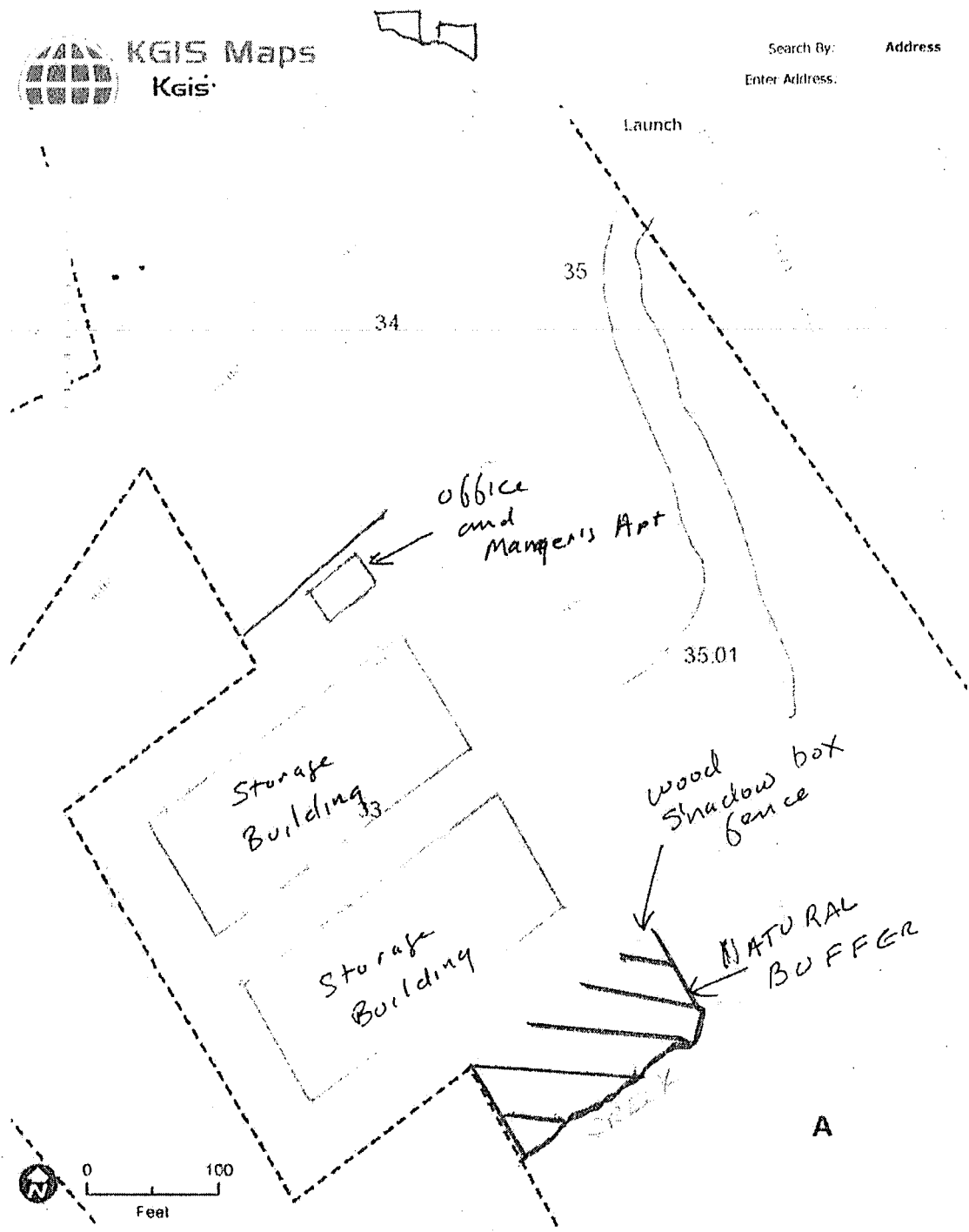
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KNOX COUNTY  
KNOXVILLE, TENNESSEE





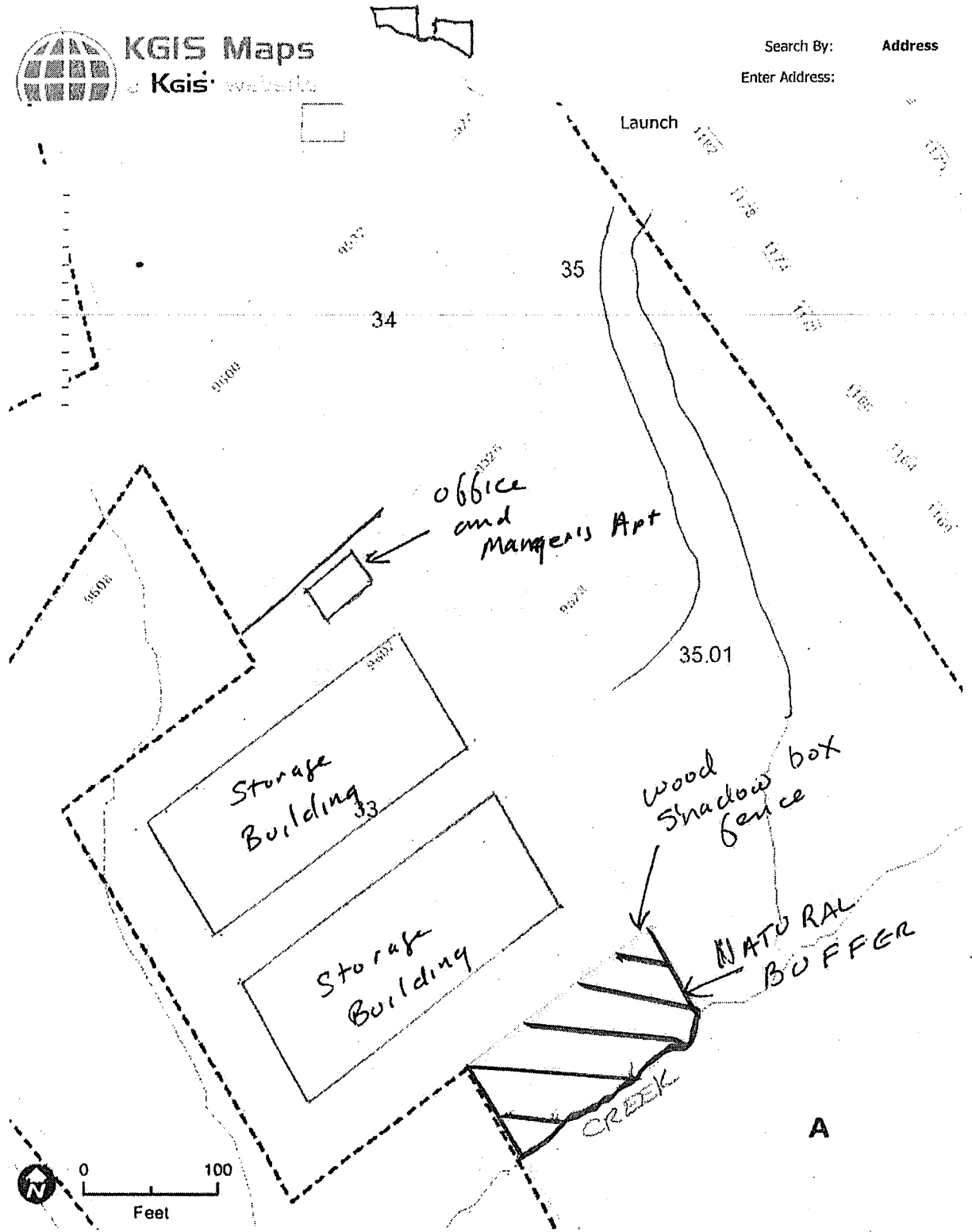
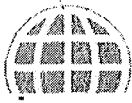
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Exhibit E