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October 11, 2018

Metropolitan Planning Commission
Suite 403, City County Building
400 Main Street
Knoxville, TN 37902

Re: October 11, 2018 - Agenda Item #38 - #10-A-18-SP, #10-B-18-RZ, #10-A-18-PA

Dear Commissioners:

I represent the interests of the Westland West Community Association in opposition to the Request of LeConte Holdings for a Plan Amendment to General Commercial and Commercial Rezoning to C-4 for 9608 Westland Drive

We oppose the Plan Amendment and zoning change to C-4 for property located at the southeast corner of the Pellissippi Parkway and Westland Drive filed by Preston Smith, LeConte Holdings.

The property was annexed into the City of Knoxville in 2000 as a finger annexation along with the Pellissippi Parkway. Only the two properties on the opposite side of Westland Drive are located within the City limits in that intersection area. Westland Drive is a Knox County road.

This property is a C-shaped remnant of the construction of Pellissippi Parkway. The part of the property requested for C-4 zoning is about 2.4 acres between a blue line stream on the south and Westland Drive. The upper section of the C fronting Westland Drive is about 100 feet wide, and the section fronting Pellissippi Parkway is about 150 feet wide.

The property is bounded on the east and south by two blue line streams, both of which have been determined to be jurisdictional waters by the Tennessee Department of Environment and Conservation (copy attached). Taking into account setbacks and stream buffers the part of the "C" facing Westland Drive has usable area about 40 feet wide, and the part of the "C" facing Pellissippi Parkway has usable area from 40 feet wide to at most 90 feet wide.

Westland Drive and the Pellissippi Parkway, I-140, are both State Scenic Highways.

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 west to Pellissippi Parkway has turn lanes, the section of Westland Drive immediately east of Pellissippi Parkway is limited to two lanes, primarily because of a cemetery on the north side and a sidewalk and 161KV power line poles on the south side.

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 2,100 trips per day. These numbers do not include traffic from two new subdivisions, Westland Gardens and Beals Creek. Additional traffic is projected from a new subdivision under construction, Westland Oaks, and from an apartment complex approved on Ebenezer Road which will generate another 2,724 vehicles per day. For these reason the type of developments with access directly to the interchange should be limited to low traffic intensity uses. We believe office use will satisfy community needs and not prevent LeConte Holdings from developing its property.

Craig Allen, the developer and owner of the property adjacent to and east of this property, limited the use of his property to a self-service storage facility that has low traffic volume and low intensity of use. In addition, he agreed to height, design, lighting, fencing and sign restrictions and to provide landscaping and to retain natural buffers adjacent to residential property. Because MPC does not use conditional zoning, he agreed that these promises are enforceable with deed restrictions.

On the other hand, LeConte Holdings application for C-4 zoning for his property states it is for a self-service storage facility, and at first glance, it seems to be the same use as the Craig Allen property. But while the application states it is for a self-service storage facility, the C-4 zone does not have a mechanism to limit its use to self-storage facilities. So if the C-4 zone is approved, the applicant is free to construct any use found in the C-4 zone.

The C-4 zone is one of the most intense commercial zones in the City of Knoxville. It was not designed for a sliver of property across from a church and assisted living center and in a congested interstate interchange with a diamond design and limited traffic lanes.

The General Description of the C-4, highway and arterial commercial district zone is as follows:

This highway and arterial commercial district is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. Typical uses offer accommodations and services to motorists, contain certain specialized retail outlets, or provide commercial amusement enterprises. It is the intent to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that because of the type of material or transportation requirements are suitable for display and storage outside of the confines of an enclosed building. The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade; to provide the orderly development and concentration of highway and arterial

commercial uses at appropriate locations; and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazard and interference with other uses in the vicinity. (emphasis added)

The uses allowed in a C-4 zone include all the uses allowed in a C-3 zone without further review. C-4 uses without review include retail establishments, eating and drinking establishments, automobile service and repair establishments including gas stations, tire recapping, hotels, motels, kennels and animal hospitals, drive-in commercial uses, new and used car and truck sales, truck and trailer rental, and open storage uses including storage of recreational vehicles and boats. None of these uses are consistent with the area around this interchange, and the potential for the abuse of this property therefore becomes substantial.

Simply because the community made an effort to properly accommodate a benign commercial use is not a reason to open up this area to unlimited commercial uses. The plan amendment and to GC Commercial and the C-4 rezoning should be denied.

Approval of medium density residential uses for this site would be a Spot Plan Amendment which is not legal under Tennessee law. In an area of low density residential uses this development would inappropriately alter the treatment of density for the surrounding neighborhoods. All but one of the properties in the immediate area that have access to Canton Hollow Road have a developed density of less than 5 du/ac. When taken as a whole, the density in the surrounding geographical area averages far less than 5 du/ac which is the maximum density allowed under the LDR Plan Designation. The current LDR Plan Designation is appropriate for this property and should remain. The current Sector Plan proposes LDR all along Canton Hollow Road from Kingston Pike south to Ft. Loudon Lake.

In addition, the site distance and the site availability at the entrance and exit to this property is hazardous and an increased density would increase the hazardous nature and decrease the safety factor.

Please deny the proposed requests. An office zone would be acceptable to the community so as not to foreclose the use of the property. Thank you for your consideration and your service.

Yours very truly,

HODGES, DOUGHTY & CARSON, PLLC

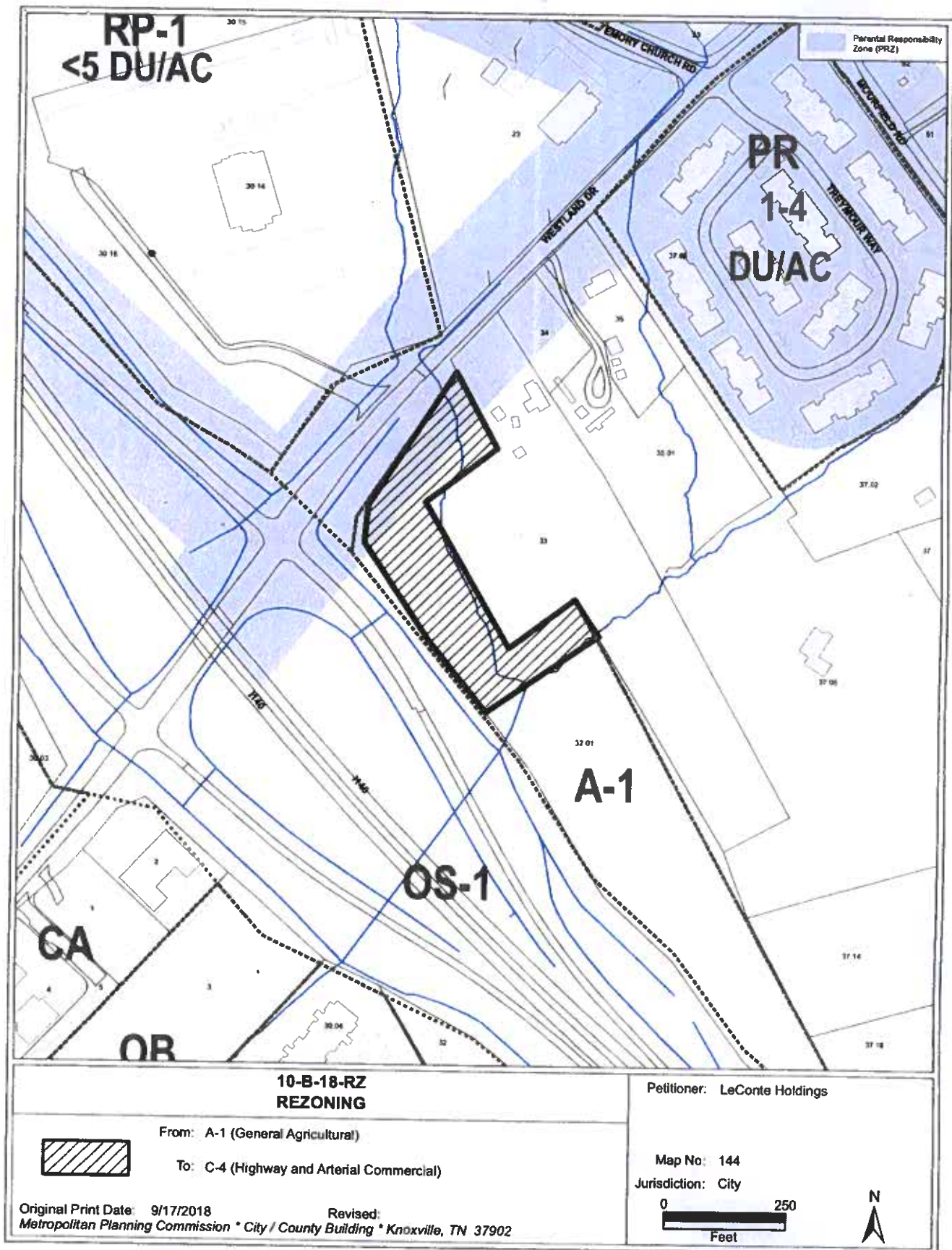


Wayne A. Kline

WAK/jt

attachment

Via electronic transmission (commission@knoxmpc.org)



MPC October 11, 2018

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