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Request of LeConte Holdings for a Plan Amendment to General Commercial and Commercial Rezoning to C-4 for 9608 Westland Drive, #10-A-18-SP, #10-B-18-RZ, #10-A-18-PA Agenda Item #38

Jack W <ajwoodal@gmail.com>

Oct 10, 2018 8:40 PM

Posted in group: **Commission**

Knoxville/Knox County Metropolitan Planning Commission

Agenda Date: October 11, 2018

Agenda Item #38

Request of LeConte Holdings for a Plan Amendment to General Commercial and Commercial Rezoning to C-4 for 9608 Westland Drive, #10-A-18-SP, #10-B-18-RZ, #10-A-18-PA

We live at 9520 Westland Drive. We have lived here since 1977.

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. 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 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 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 new subdivision under construction, Westland Oaks, and from an apartment complex approved on Ebenezer Road which will generate 2724 vehicles per day. For these reason the type of developments with access directly to the interchange should be limited to low traffic intensity uses.

Why did we support the rezoning of the property adjacent to and east of this Property and not this property? Craig Allen, the developer, 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. And Tuesday, outside the agenda review meeting, Preston Smith's attorney, John King, said he did not believe the property was large enough for a self-storage facility and that the applicant would not enter into deed restrictions similar to these agreed to by Mr. Allen. 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 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.

The uses allowed in a C-4 zone included all the uses allowed in a C-3 zone without further review. C-4 uses without review include such as any sort of 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 is substantial. Because of the difficulties with the development of this site some of these uses are likely.

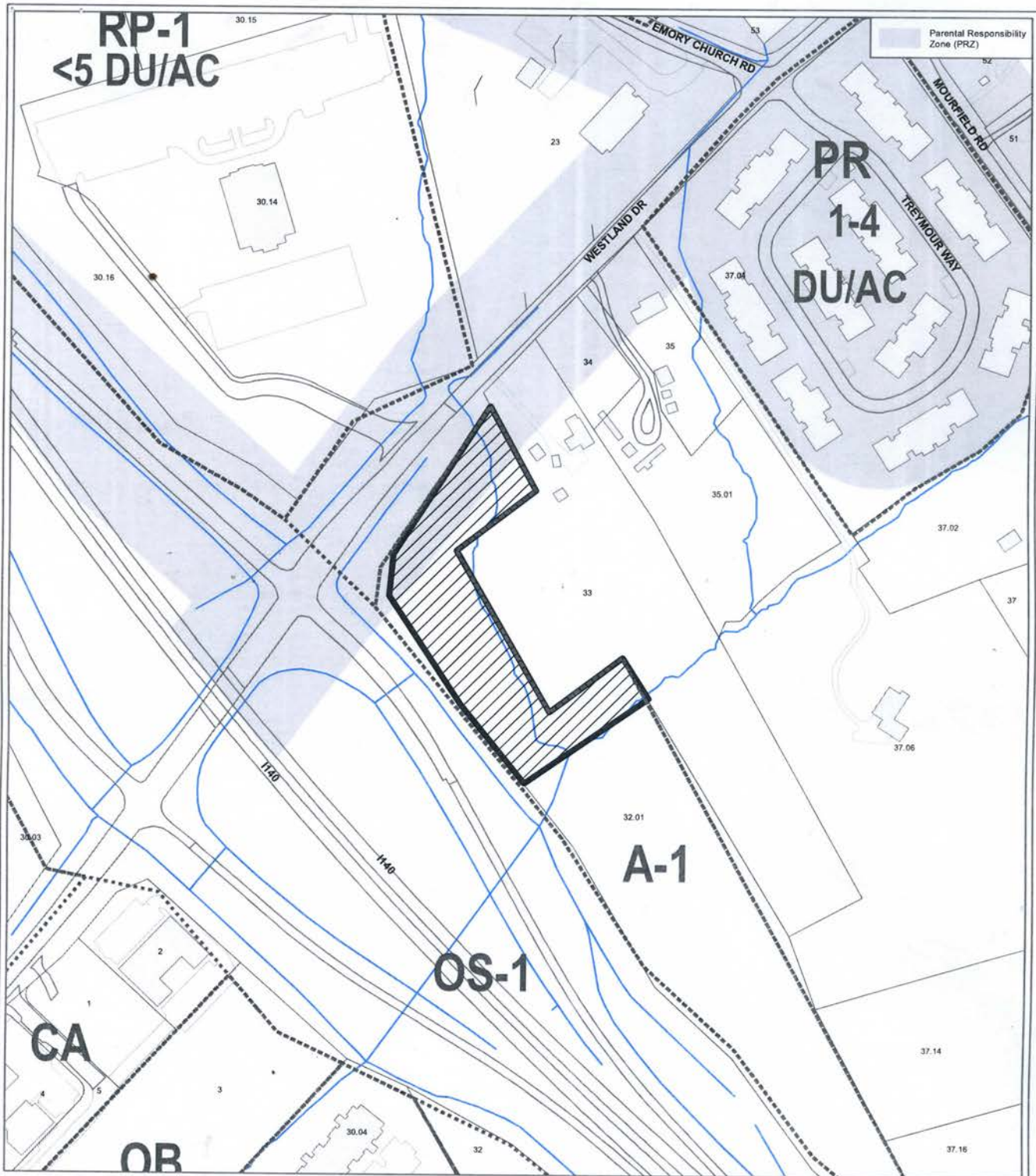
Simply because the community made an effort to properly accommodate a benign commercial use is not a reason to open up this area to unlimited commercial uses. The plan amendment and to GC Commercial and the C-4 rezoning should be denied.

Sharon Boyce and Jack Woodall

9520 Westland Drive

690-1125

October 10, 2018



**10-B-18-RZ
REZONING**

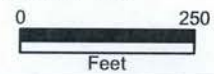
From: A-1 (General Agricultural)
To: C-4 (Highway and Arterial Commercial)



Petitioner: LeConte Holdings

Map No: 144
Jurisdiction: City

Original Print Date: 9/17/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921

Phone: 865-594-6035

Statewide: 1-888-891-8332

Fax: 865-594-6105

January 3, 2018

Dr. Preston Smith
616 Scotswood Circle
Knoxville, TN 37919

Subject: Hydrologic Determination (DWR ID No. 9116)
GEOServices Project No. 24-17866
9608 Westland Drive – LeConte
Unnamed Trib. To Fort Loudoun Reservoir
Knoxville, Knox County, Tennessee

Dear Dr. Smith:

On December 18, 2017 the Division of Water Resources (division) received a jurisdictional waters determination of hydrologic features report conducted by Jason Mann of GEOServices LLC. This report concerns two water features located at 9608 Westland Drive (Map 144, Parcel 32.01) consisting of roughly 7.6 acres, Lat. 35.8760, Long. -84.0925, Knoxville, Knox County, Tennessee. This property is within the Fort Loudoun/Little River watershed and is located on the Bearden USGS 7.5 minute topographic quad map. Please note that all geographic coordinates provided in this letter have a limited precision and should be considered approximate.

Based on the information and documentation submitted and the division's rules and guidance regarding hydrologic determinations, **the division accepts the jurisdictional determination** of the water features as portrayed in the submitted GEOServices LLC report and attached map (Map Attachment, Figure 2 of the GEOServices report). The water features shown in blue on the figure 2 map and labeled as Channel 1 and Channel 2 have been determined to be streams and are listed below:

<u>Water Feature</u>	<u>Starting Coordinates (Lat./Long.)</u>	<u>Ending Coordinates (Lat./Long.)</u>
Channel 1 (Stream)	35.8764/-84.0919 (property line)	35.8758/-84.0926 (property line)
Channel 2 (Stream)	35.8775/-84.0930 (springhead)	35.8760, -84.0925 (confluence)

Please note that only the water features addressed above were assessed during this determination. Any alterations to streams or wetlands may only be performed under the coverage of, and conformance to, a valid Aquatic Resource Alteration Permit (ARAP) issued by the division. ARAP applications and provisions are available on-line at <http://www.tn.gov/environment/article/permit-water-aquatic-resource-alteration-permit>

If the disturbed area of this project is one acre or greater, coverage under the General NPDES Permit for Stormwater Discharges from Construction Activities (CGP) will be required from this division before any clearing or earth moving activities are started. Information on the construction stormwater permit is available online at <https://www.tn.gov/content/tn/environment/permit-permits/water-permits/npdes-permits/npdes-stormwater-permitting-program/npdes-stormwater-construction-permit.html>. Please be advised that effective erosion prevention and sediment control measures must be used during the construction phase of this project to prevent the discharge of pollutants to waters of the State.

Hydrologic determinations are advised and governed by Tennessee Department of Environment and Conservation (TDEC) rules and regulations, and therefore only apply to the State's permitting process. Because these and other various water features on-site may potentially also be considered jurisdictional Waters of the United States, any alterations to them should only be performed after consultation with the U.S. Army Corps of Engineers.

I appreciate the opportunity to assess the site prior to site plan finalization and initiation of construction activities. Because natural variation and human activities can alter hydrologic conditions, the division reserves the right to reassess the status of the water features in the future.

Thank you for your interest in water quality in Tennessee. If you have any questions or concerns, please feel free to contact me.

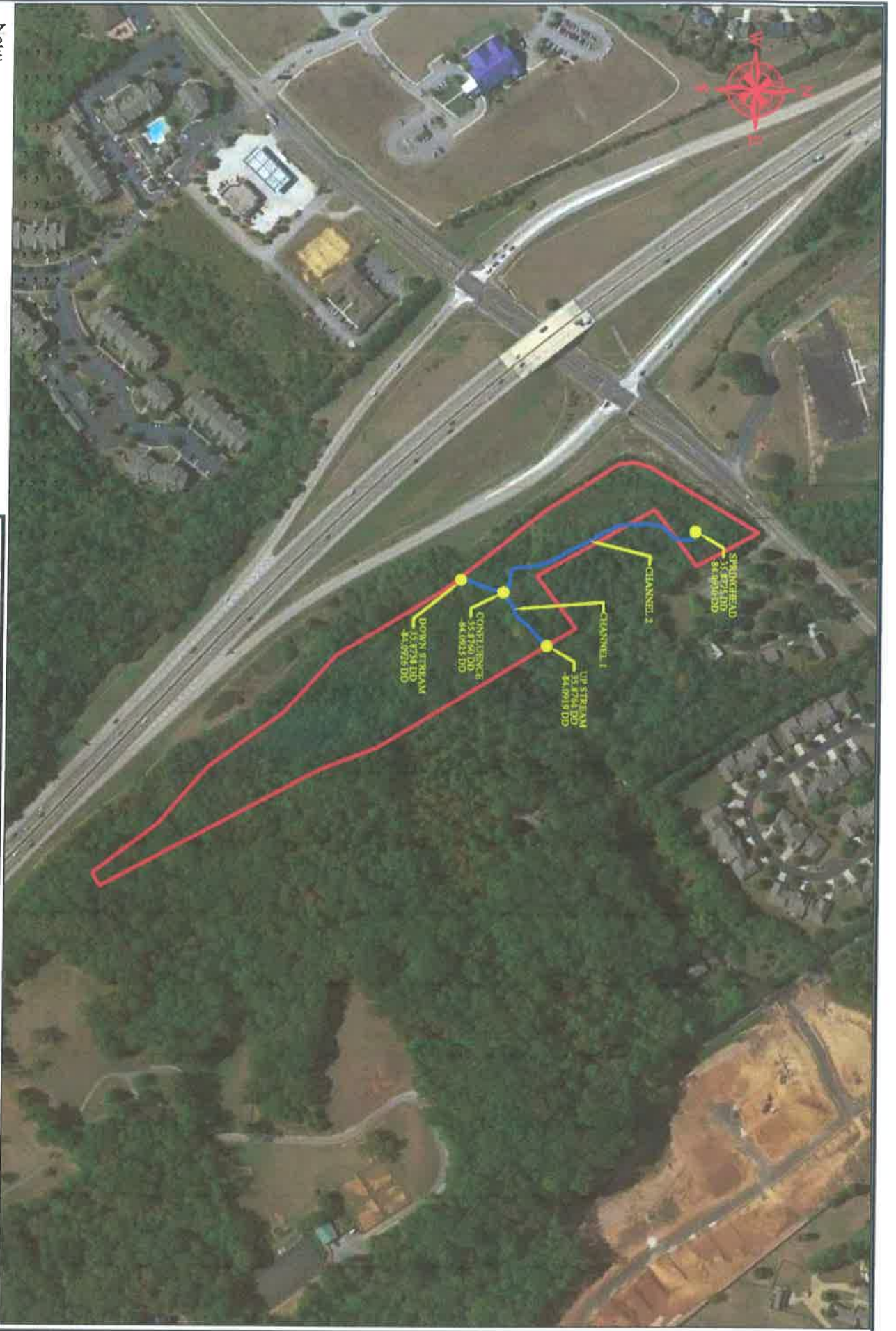
Sincerely,



Christie Renfro
Environmental Scientist
Division of Water Resources

Encl: Figure 2 of the GEOServices HD Report

cc: Division of Water Resources, Knoxville Field Office
Mr. Jason Mann, Environmental Engineer, Project Manager, GEOServices, LLC,
jmann@geoservicesllc.com
Preston Smith, Property Owner, dpsmith@pottymd.com
U.S. Army Corps of Engineers, NashvilleRegulatory@usace.army.mil



Note:
 Site boundary and features shown are approximate only.
 Drawing composed from field notes and observations only.

— Subject Property.

SCALE:	NTS
CHECKED BY:	JM
DRAWN BY:	CSG
DATE:	12-12-17

285 Wilson Park Way
 Knoxville, Tennessee, 37923

Geospatial, LIDAR, Surveying and Hydrologic Engineering

Don't just speak
 For us! We do.

WATER RESOURCE MAP
 WESTLAND DRIVE
 STREAM DETERMINATION
 9608 WESTLAND DRIVE
 KNOXVILLE, TENNESSEE

JOB NO: 24-17866