

Knox County Planning Commission  
400 Main Street, Suite 403  
Knoxville Tennessee 37902

April 10, 2019

Attn: Mike Reynolds

**Re: File # 4-J-19-RZ**

Dear Mr Reynolds,

In regard to the property located at 9222 Tedford Lane, Knoxville TN 37922, is operating outside of the sector plan. Spot zoning is not keeping with the spirit of the plan. There has been no significant change in the rural residential area to warrant a valid change in the existing sector plan. Furthermore, small road frontage size and constraints of the hillside protection area limit the use of the property to any more intense usage than what is currently on the property today. I, Jon M Schaffer, am not in favor of changing the zoning on property 9222 Tedford Lane, Knoxville Tn 37922.

A handwritten signature in black ink, appearing to read "Jon M Schaffer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jon M Schaffer

9220 Tedford Lane, Knoxville TN 37922



Laura Edmonds <laura.edmonds@knoxplanning.org>

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**[Planning Commission Comment] 4-J-19-RZ current picture**

1 message

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'schaffertown' via Commission <commission@knoxplanning.org>

Wed, Apr 10, 2019 at 1:35 PM

Reply-To: schaffertown@aol.com

To: commission@knoxplanning.org

Here is a current picture of the business in operation.

Thank you, Michael Schaffer

[9220 Tedford Lane](#)  
[Knoxville, TN 37922](#)

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This message was directed to [commission@knoxplanning.org](mailto:commission@knoxplanning.org)



**123\_1.jpg**  
1006K





Laura Edmonds &lt;laura.edmonds@knoxplanning.org&gt;

**[Planning Commission Comment] Tedford Lane rezoning request**

1 message

**Diane Montgomery** <dianetmontgomery@gmail.com>

Wed, Apr 10, 2019 at 1:15 PM

Reply-To: dianetmontgomery@gmail.com

To: commission@knoxmpc.org

April 10, 2019

Dear Commissioner,

Thank you for your service to our county.

I am writing to express concern about a proposed rezoning request on the upcoming Commission agenda. Item #38 - 9222 Tedford Road.

Please be aware the property owner is operating an illegal business (larger scale high-end residential landscaping) in an agricultural zone and now requests a re-zoning to "transitional".

He has told the neighbors he simply wishes to bring his property into compliance with law. However, that claim is disputed. Neighbors assert they are aware of the owner's plans to sell the parcel, subject to rezoning.

The property owner has been in conflict with the neighbors over the number of vehicles, large trucks, coming and going daily, overfilling the property which is inadequate to accommodate them, and parking on Tedford Lane, a narrow county road, creating a neighborhood hazard. You may be aware that Tedford Lane is already carrying more than it's safe capacity of traffic as vehicles from Tooles Bend Road seek access to Northshore Drive.

We ask that you not reward a non-compliant property owner who has disregarded zoning and been uncooperative with his neighbors.

The surrounding properties are overwhelmingly residential and well-maintained. Some owners of decades have properties which still retain their agricultural nature with livestock present. There is one very well-regarded business in the neighborhood, Travis Marine which has been present for decades, is grandfathered in and considered a very good neighbor.

Please do not participate in beginning the destruction of the residential/pastoral nature of the Tedford Road community.

Thank you,

Diane Montgomery

Northshore Corridor Association. Leadership Team  
Amberleigh Neighborhood Association. Pres.  
East TN Community Planning Alliance, member

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This message was directed to [commission@knoxplanning.org](mailto:commission@knoxplanning.org)



Laura Edmonds <laura.edmonds@knoxplanning.org>

**[Planning Commission Comment] File # 4-J-19-RZ**

1 message

**Chris Chilton** <chrischilton1972@gmail.com>  
Reply-To: chrischilton1972@gmail.com  
To: commission@knoxplanning.org

Wed, Apr 10, 2019 at 11:12 AM

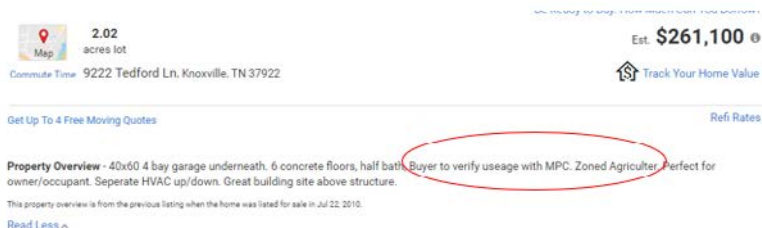
Dear Commissioners,

I am writing to voice my opposition to the rezoning of the property located at 9222 Tedford Rd from Agricultural to Transition. Tedford Rd. and Tedford Ln. are primarily residential areas with very narrow roads that are already overloaded with transient commercial vehicle traffic. As a resident of the area, I travel these roads daily and almost every day, I am confronted with at least one commercial vehicle that is too wide for the road and/or going too fast. With the additional homes that are set to be constructed in the Post Oak Bend development, the residents of Tedford Road and Tedford Lane are going to be faced with even more transient commercial traffic. We do not need the additional traffic that a permanent commercial entity will bring to these roads.

I would also like to bring to the Commissioners' attention the original listing for the property on [realtor.com](https://www.realtor.com). The listing can be viewed here:

[https://www.realtor.com/realestateandhomes-detail/9222-Tedford-Ln\\_Knoxville\\_TN\\_37922\\_M84377-28655](https://www.realtor.com/realestateandhomes-detail/9222-Tedford-Ln_Knoxville_TN_37922_M84377-28655)

The listing clearly states that the buyer needs to verify usage with MPC, and that the property is zoned for Agriculture:



Knox county has ample property that is already zoned for commercial use. Please protect the residents of Tedford Road and Tedford Lane from commercial business encroachment.

Thank you for your service to the community and your time in this matter,

Chris Chilton

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This message was directed to [commission@knoxplanning.org](mailto:commission@knoxplanning.org)



Dori Caron &lt;dori.caron@knoxplanning.org&gt;

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**[Planning Commission Comment] Agenda Item No. 38 - MPC File No. 4-J-19-RZ**

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**Taylor Forrester** <TForrester@lrwlaw.com>

Tue, Apr 9, 2019 at 6:27 PM

Reply-To: tforrester@lrwlaw.com

To: "commission@knoxmpc.org" &lt;commission@knoxmpc.org&gt;, "commission@knoxplanning.org"

&lt;commission@knoxplanning.org&gt;

Cc: "dfeehan@naturalrootslandscaping.com" &lt;dfeehan@naturalrootslandscaping.com&gt;, Julie O'Dell &lt;jodell@naturalrootslandscaping.com&gt;, "mike.reynolds@knoxplanning.org" &lt;mike.reynolds@knoxplanning.org&gt;, "eason.mpc@gmail.com" &lt;eason.mpc@gmail.com&gt;, "mgoodwin.mpc@gmail.com" &lt;mgoodwin.mpc@gmail.com&gt;, "jtocher.mpc@gmail.com" &lt;jtocher.mpc@gmail.com&gt;

Dear Commissioners,

Please see the attached transmittal on behalf of the Applicant and property owner related to the above referenced matter.

TAYLOR D. FORRESTER



1111 N. Northshore Drive, Suite S-700

Knoxville, Tennessee 37919

(865) 584-4040

(865) 584-6084 fax

[www.lrwlaw.com](http://www.lrwlaw.com)

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This message was directed to [commission@knoxplanning.org](mailto:commission@knoxplanning.org)

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 **2019.4.9 - Letter to MPC Commissioners w enc.pdf**  
24757K



Long, Ragsdale & Waters, P.C.

ATTORNEYS AT LAW

April 9, 2019

David Wilson Long  
Dennis B. Ragsdale  
John B. Waters III  
J. Michael Ivens  
R. Louis Crossley, Jr.  
C. Paul Harrison  
J. Randolph Miller  
Garrett P. Swartwood

Jennifer Milligan Swindle\*  
Lee A. Popkin  
W. Michael Baisley  
Taylor D. Forrester  
Kyle A. Baisley  
Alexander O. Waters

John B. Waters, Jr. (1929-2018)

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

Via email only

Re: MPC File No. 4-J-19-RZ – Rezoning request from Agricultural to Transition

Dear Commissioners:

The above matter is Item No. 38 on your Agenda for the meeting on Thursday, April 11, 2019. I represent Natural Roots Realty Holding, LLC (“Natural Roots”), which is the owner of the real property located at 9222 Tedford Lane, Knoxville, TN 37922 (the “Property”). The size of the Property totals approximately 2.02 areas, however based on the steep slope most of the Property is unusable. Approximately 0.3 acres of the Property is useable and have improvements consisting of a metal “A-frame” two story building (“Structure”).

Dan Feehan (“Mr. Feehan”) is the sole member of Natural Roots. Mr. Feehan is a landscape contractor. He uses the lower level of the Structure for his office and the second level for residential purposes. Enclosed are true and accurate photographs of the Property as **collective Exhibit A**. Mr. Feehan has been using the Property for office and a residence for approximately 2 years. The previous owner of the Property operated his business, Trident Industries, a machine fabrication business thereon for approximately 10 years.

A few months ago, the Knox County Codes Enforcement Administration sent Natural Roots a Notice of Zoning Violation. In response, Natural Roots filed a rezoning application with the Metropolitan Planning Commission (the “MPC”) requesting that the property be rezoned to Transition, after determining such rezoning was the most appropriate, consistent and least impactful to surrounding area based on the understanding that the present use would be permitted at the Property.

The Property is approximately 700 feet west of Travis Marina, which is zoned CA [General Business Zone] and less than 500 feet northeast of Hunter Valley Farms (“HVF”), which is zoned T [Transition]. The majority of HVF is zoned Agricultural, however certain portions were rezoned to Transition in the years 2009 and 2010. The rezoning was limited to being used as an event facility and associated parking. Enclosed herewith are true and correct copies of HVF’s Rezoning Case Summaries as **collective Exhibit B**.

Here, like HVF, Natural Roots is agreeable for the rezoning to Transition to only apply to a certain portion of the Property and for the uses permitted thereon to be limited to a contractor’s office and uses similar in intensity thereto.

REZONING REQUIREMENTS FROM THE ZONING ORDINANCES

*Necessary based on Substantially Changed or Changing Conditions in the Area*

The proposed T zoning is compatible with the scale and intensity of the surrounding development and zoning pattern. For example, the rezoning of a portion of HVF to T zoning. Additionally, T zoning is appropriate for part of the Property because of its proximity to commercial use, namely Travis Marina.

*Consistency with Intent and Purpose of the Zoning Ordinance*

The purpose of the T zone is to allow types of commercial and/or non/residential uses that (i) are not major traffic generators, and (ii) are compatible with adjacent residential areas. Here, the present use of the Property not a major traffic generator. The employees of the landscaping company arrive at approximately 7:00 a.m., then they leave shortly after arriving the company work trucks and do not return until towards the end of the work day. Therefore, there are a minimal number of trips generated to/from the Property per work day. Furthermore, there are no business-related materials/products or heavy equipment stored on the Property. Any heavy equipment is stored on the respective job sites and the other equipment (mowers, weed eaters, blowers, etc...) and trailers are customarily parked in the garage bays each evening. Also, the Structure is used for residential purposes.

*The Effects of the Proposal*

Natural Roots is agreeable to limit the rezoning to T to only the necessary area of the Property, which will likely be less than ½ an acre. The proposal would not have any impact on schools. The impact on the street system is minimal. The current use has been occurring at the Property for approximately 10 years, with no prior complaints from the adjacent property owners. There are no residences located parallel to the Structure or the portion of the Property requested to be rezoned. In fact, the parcel adjacent to the west of the Property remains undeveloped.

*Conformity of the Proposal to Adopted Plans*

The present use is consistent with the General Plan. The rezoning does not require an amendment to the Sector Plan.

We believe that a rezoning to Transition is an appropriate, consistent and non-impactful request for the portion of the Property when considering those reasons set forth hereinabove. Again, based on my understanding this portion of the Property has been used for business and residential for approximately the past 10 years without issue. Thank you for your consideration of the instant matter and hope that you will support the rezoning request.

Respectfully yours,

LONG, RAGSDALE & WATERS, P.C.

By:   
Taylor D. Forrester

Enc.

cc: Dan Feehan (via email)





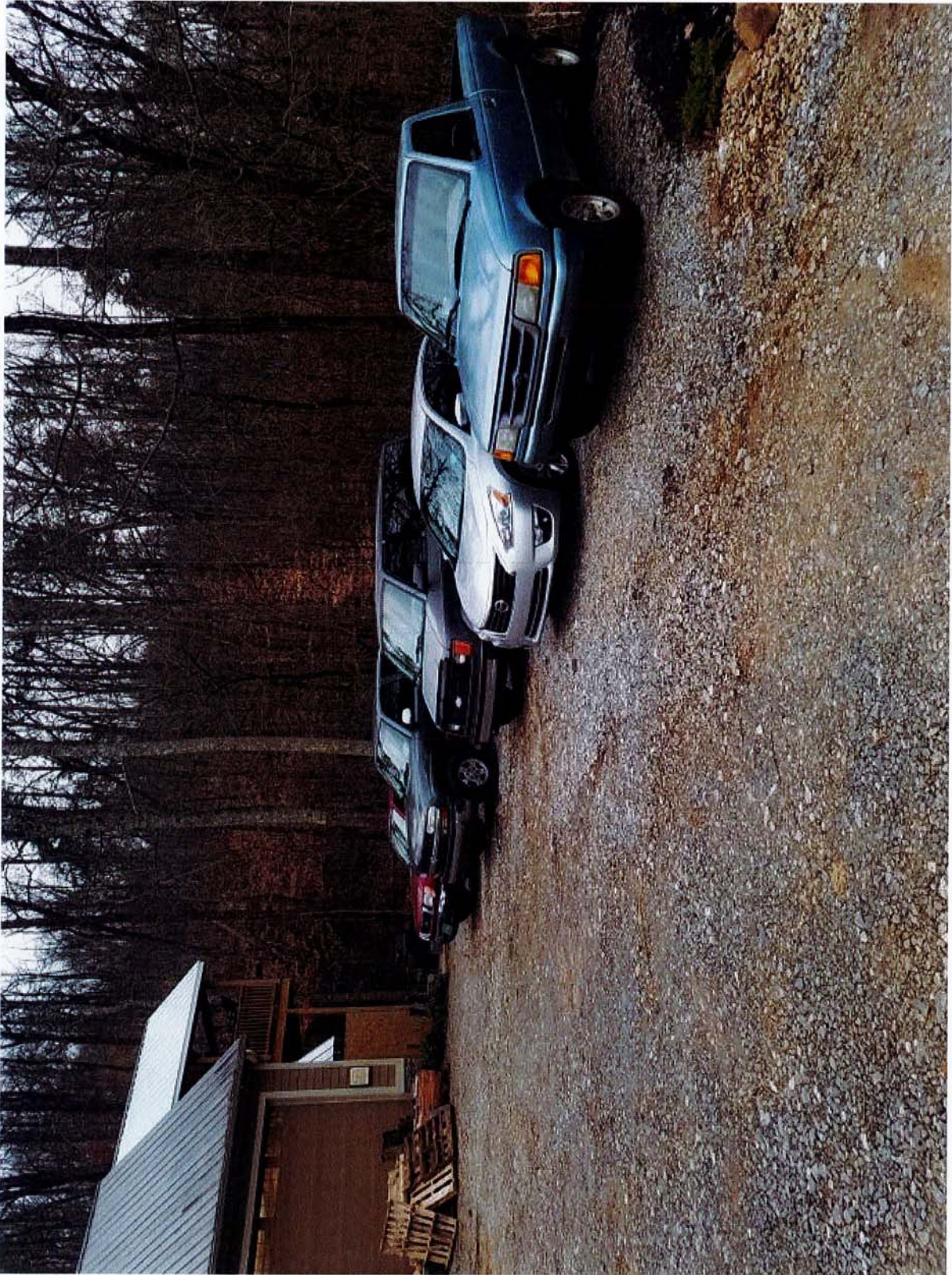
tabbies<sup>®</sup>  
EXHIBIT  
A  
collective



Ex: A, cont.



tabbles  
**EXHIBIT**  
A  
CONT.



Ex: A, cont.

# CASE SUMMARY

APPLICATION TYPE: OTHER BUSINESS

KNOXVILLE-KNOX COUNTY

M P C

METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
F A X • 215 • 2068  
www.knoxmpc.org

File Number: 3-A-10-OB                      Related File Number:  
Application Filed: 2/2/2010                      Date of Revision:  
Applicant: THE PAVILION AT HUNTER VALLEY FARMS, LLC

## PROPERTY INFORMATION

General Location:  
Other Parcel Info.:  
Tax ID Number: 999 999                      Jurisdiction:  
Size of Tract:  
Accessibility:

## GENERAL LAND USE INFORMATION

Existing Land Use:  
Surrounding Land Use:  
Proposed Use:                      Density:  
Sector Plan:                      Sector Plan Designation:  
Growth Policy Plan:  
Neighborhood Context:

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:  
Location:  
Proposed Street Name:  
Department-Utility Report:  
Reason: Use determination for a parking lot and pavilion in the T(k) (Transition) zone.

## ZONING INFORMATION (where applicable)

Current Zoning:  
Former Zoning:  
Requested Zoning:  
Previous Requests:  
Extension of Zone:  
History of Zoning:

## PLAN INFORMATION (where applicable)

Current Plan Category:  
Requested Plan Category:



**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.: Use determination for a parking lot and pavilion in the T(k) (Transition) zone.

**MPC ACTION AND DISPOSITION**

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.):

Staff Recomm. (Full):

Comments:

Action: Approved

Meeting Date: 3/11/2010

Details of Action:

**Summary of Action:** APPROVE an event facility and associated parking as a use permitted on review in the T (Transition) zone, subject to meeting the parking requirements for theaters, auditoriums and places of assembly without fixed seats, from the Knox County Zoning Ordinance (Article 3, Section 3.50).

Date of Approval: 3/11/2010

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?:  Action Appealed?:**LEGISLATIVE ACTION AND DISPOSITION**

Legislative Body: MPC

Date of Legislative Action:

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance:

# CASE SUMMARY

## APPLICATION TYPE: REZONING

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N  
T E N N E S S E E

File Number: 8-E-10-RZ                      Related File Number:  
Application Filed: 6/25/2010              Date of Revision:  
Applicant: HUNTER VALLEY FARM

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
FAX • 215 • 2068  
www.knoxmpc.org

### PROPERTY INFORMATION

General Location: Northwest side Hunter Valley Ln., east of Keller Bend Rd.  
Other Parcel Info.:  
Tax ID Number: 155 PORTION OF 04406 OTHER: MAP ON FILE AT MP      Jurisdiction: County  
Size of Tract: 2.566 acres  
Accessibility: Access is via Hunter Valley Ln., a local street with 23' of pavement width within the larger right of way of the adjacent Interstate 140.

### GENERAL LAND USE INFORMATION

Existing Land Use: Event facility and parking  
Surrounding Land Use:  
Proposed Use: Event facility and parking                      Density:  
Sector Plan: Southwest County      Sector Plan Designation: Agricultural / Rural Residential  
Growth Policy Plan: Rural Area  
Neighborhood Context: This area is developed with rural residential and agricultural uses under A zoning. Some commercial uses are located within view of the site to the north across Bluegrass Lake, zoned CA, along S. Northshore Dr.

### ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 9111 Hunter Valley Ln  
Location:  
Proposed Street Name:  
Department-Utility Report:  
Reason:

### ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)  
Former Zoning:  
Requested Zoning: T (Transition)  
Previous Requests: MPC approved conditional T zoning on adjacent property on 9/10/09 (5-A-09-RZ).  
Extension of Zone: Yes, extension of conditional T zoning from the north.  
History of Zoning: MPC approved conditional T zoning for the site to the north on 9/10/09 (5-A-09-RZ).

### PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): RECOMMEND that County Commission APPROVE T (Transition) zoning, limited to use as an event facility, subject to use on review development plan approval of the use by MPC.

Staff Recomm. (Full): Transition zoning would allow the continued use of this property as an event facility with associated parking, with the approval of a use on review by MPC to bring the current use into compliance with zoning. The transition zone requires use on review approval for all development. This will offer the opportunity for public comment on this use.

Comments: An event facility with parking, which is not in conformance with the current Agricultural and Transition zoning, is currently located on this site. The pavilion and parking area were constructed and the use was initiated without obtaining proper County permits. This application was filed by the owners of the property, in order to attempt to bring the use into conformance with zoning. To staff's knowledge, events have been held at this facility for at least two years and possibly longer. This application includes 2.566 acres on which the parking for the event facility is located out of the 35 acre parcel. This area will be added to the originally rezoned area to make a total of about 6 acres zoned Transition. The remaining acreage will remain zoned Agricultural, which allows the horses and equestrian related uses. It has been determined that the Transition zone, which is allowable in the Rural Area on the Growth Policy Plan, could accommodate the current use of the site as an event facility and parking. It will, however, require MPC approval a use on review, to approve the specific development plan with parameters for enforcement. The applicant has submitted a development plan for MPC consideration as a use on review (3-E-10-UR). The use on review request has been postponed since March of 2010. A use determination was approved by MPC on 3/11/10 (3-A-10-OB), which determined that an event facility and associated parking is a use permitted on review in the T (Transition) zone,

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. The proposed T zoning is compatible with the scale and intensity of the surrounding development and zoning pattern.
2. T zoning is appropriate at this location which faces commercial uses on the opposite side of Bluegrass Lake to the north (about 400 feet).
3. T zoning requires use on review approval for all development, so the applicant will have to apply for use on review approval of a development plan for the site, in order to bring the use into compliance with zoning. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, layout, signage, drainage and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting. The use on review development plan (3-A-10-UR) has been submitted and has been postponed since March of 2010. One of the requirements of this plan review resulted in the need to expand the T zoning to include the parking areas shown on the plans. This use on review is also on this August 12, 2010 MPC agenda.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The T (Transition) zone, as described in the zoning ordinance, is intended to insure the development of land adjacent to residential areas into a transition zone between other types of commercial and residential classifications and which will promote the public health, safety, morals, and general welfare of the citizens of Knox County.
2. Further, the purpose is to allow types of commercial uses which are not major traffic generators, and would not open the area to objectionable types of commercial uses, as well as have a transition zone that will be compatible with adjacent residential areas.
3. Based on the above general intent, this site is appropriate for Transition zoning. The site is located within view of commercial development to the north and near office development to the west. This use of the site for an event facility would appear to be an appropriate transitional use.



**THE EFFECTS OF THE PROPOSAL:**

1. Water utilities are in place to serve this site. Sanitary sewer is not available.
2. The proposal would have no impact on schools. The impact on the street system is minimal, as increased traffic will only be apparent when there is an event being held.
3. The current use has been occurring at this site for a least two years now, with no complaints from adjacent property owners. If the rezoning and use on review are approved, it will provide a basis for enforcement of the use, so that it does not get large enough that it starts to have a negative impact on adjoining properties. It should also be noted that the total of 6 acres, which is being requested for or is already zoned T, is surrounded by 40 or more acres of land that is owned by the applicant or family. The event facility structure, if approved, would not be any closer than about 700 feet from the nearest residential property owned by others. The access drive could, however, be located closer to adjacent residences.
4. As part of the use on review process, staff and MPC will have the opportunity to impose conditions on the development which will help to minimize the impact to adjacent properties.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The Southwest County Sector Plan proposes agricultural and rural residential uses and stream protection for this site. Staff has determined that the Transition zone may be considered on a case by case basis within this plan designation without a plan amendment.
2. This site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan. The Transition zone is an acceptable zone to be considered within the Rural Area.
3. Approval of this request could lead to future requests for Transition zoning in the area. These applications would be reviewed on a case by case basis.

**Action:** Approved **Meeting Date:** 8/12/2010

**Details of Action:**

**Summary of Action:** APPROVE T (Transition) zoning, limited to use as an event facility, subject to use on review development plan approval of the use by MPC.

**Date of Approval:** 8/12/2010 **Date of Denial:** **Postponements:**

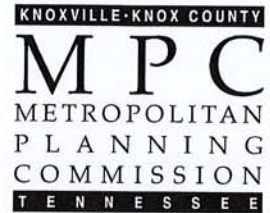
**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

<b>Legislative Body:</b> Knox County Commission	
<b>Date of Legislative Action:</b> 9/27/2010	<b>Date of Legislative Action, Second Reading:</b>
<b>Ordinance Number:</b>	<b>Other Ordinance Number References:</b>
<b>Disposition of Case:</b> Approved	<b>Disposition of Case, Second Reading:</b>
<b>If "Other":</b>	<b>If "Other":</b>
<b>Amendments:</b>	<b>Amendments:</b>
<b>Date of Legislative Appeal:</b>	<b>Effective Date of Ordinance:</b>

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 3-E-10-UR                      Related File Number:  
Application Filed: 2/1/2010                      Date of Revision:  
Applicant: THE PAVILION AT HUNTER VALLEY FARM, LLC

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
FAX • 215 • 2068  
www.knoxmpc.org

## PROPERTY INFORMATION

General Location: Northwest side Hunter Valley Ln., northeast of Keller Bend Rd.  
Other Parcel Info.:  
Tax ID Number: 155 PORTION OF 044.06 OTHER: MAP ON FILE AT MP    Jurisdiction: County  
Size of Tract: 3.42 acres  
Accessibility: Access is via Hunter Valley Ln., a local street with a 23' pavement width located within the right-of-way of Interstate 140.

## GENERAL LAND USE INFORMATION

Existing Land Use: Event facility/pavilion, equestrian facility/horse farm and parking lot  
Surrounding Land Use:  
Proposed Use: Event facility/pavilion, equestrian facility/horse farm and parking lot    Density: NA  
Sector Plan: Southwest County    Sector Plan Designation: LDR, SLPA, STPA  
Growth Policy Plan: Rural Area  
Neighborhood Context: This area is developed with rural residential and agricultural uses under A zoning. Some commercial uses are located within view of the site to the north across Bluegrass Lake, zoned CA, along S. Northshore Dr.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 9107 Hunter Valley Ln  
Location:  
Proposed Street Name:  
Department-Utility Report:  
Reason:

## ZONING INFORMATION (where applicable)

Current Zoning: T (Transition) with conditions, A (Agricultural) & F (Floodway)  
Former Zoning:  
Requested Zoning:  
Previous Requests:  
Extension of Zone:  
History of Zoning: Portion of the property (3.42 acres) rezoned T (Transition) with conditions by Knox County Commission on 10/26/2009.

## PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

***SUBDIVISION INFORMATION (where applicable)***

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

***OTHER INFORMATION (where applicable)***

Other Bus./Ord. Amend.:

***MPC ACTION AND DISPOSITION***

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the request for an event facility/pavilion in the T (Transition) zoning district, subject to 11 conditions:

Staff Recomm. (Full):

1. Obtaining approval of the rezoning (8-E-10-RZ) of the additional property into the T (Transition) zoning district by Knox County Commission.
2. Meeting all applicable requirements of the Knox County Health Department.
3. Meeting all applicable requirements of the Knox County Zoning Ordinance.
4. Meeting all applicable requirements of the Knox County Fire Marshal's Office.
5. Obtaining all applicable building permits from Knox County.
6. Meeting all applicable requirements and obtaining all required permits from the Tennessee Valley Authority.
7. Obtaining a street connection permit from the Tennessee Department of Transportation for the proposed driveway that will serve the event facility/pavilion.
8. Final grades and pavement requirements for the access drive and parking lot are subject to approval by the Knox County Department of Engineering and Public Works
9. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
10. Installation of landscape screens 1 and 2 as shown on the Plan Detail sheet (for the access driveway for the event facility) prior to completion of the access driveway. A "Type A" landscape screen shall be provided (See attached information sheet). Landscape screen #2, which is located closest to the residence on the property to the west, shall be installed in the fall of 2010. Landscape screen #1, which is adjacent to the western side of the access driveway, shall be installed upon completion of the grading for the access driveway. The applicant shall be responsible for maintaining the landscape screening.
11. The required improvements for the access driveway and parking lot for the event facility/pavilion shall be installed and approved by the Knox County Department of Engineering and Public Works prior to January 1, 2011. If these improvements are not completed by that date, this use on review approval shall automatically be revoked and shall terminate without any further action being required by the Planning Commission. If the use on review approval is revoked and terminated, any use of the event facility/pavilion shall immediately cease.

With the conditions noted above, this request meets all requirements of the T (Transition) zoning district, as well as other criteria for approval of a use on review.

Comments: The applicant is requesting approval of an event facility/pavilion on a site located on the north side of Hunter Valley Ln. east of Keller Bend Rd. The 51.16 acre site includes an existing equestrian facility/horse farm located within the A (Agricultural) zoning district and an existing 6000 square foot pavilion located on a 3.42 acre portion of the site that is zoned T (Transition).

The Planning Commission recommended approval of the rezoning of 3.42 acre portion of the site to T (Transition) on September 10, 2009 (5-A-09-RZ). The Knox County Commission approved the rezoning on October 26, 2009 conditioned to limited use as an event facility, subject to a use determination and use on review development plan approval of the facility by the Planning Commission. A use determination (3-A-10-OB) was approved by the Planning Commission on March 11, 2010 which determined that an event facility and associated parking can be considered as a use permitted on review in the T (Transition) zone. The Planning Commission is also considering a rezoning request at this meeting (8-E-10-RZ) for an expansion of the T (Transition) zone to approximately 6 acres in order to cover the pavilion and associated parking.

The applicant has been operating an event facility at this location for approximately two years without

any approvals. It has been over a year since the applicant started the process to have the property rezoned for the event facility and obtain other approvals including this use on review request. Over the past couple of months the Knox County Fire Prevention Bureau has issued two citations for the use of the facility without required approvals.

One major issue that the applicant has had to address is the access and vehicular circulation for the site. The existing driveway that serves the equestrian facility and residences is not adequate for serving the event facility. Staff has discussed several alternatives for access to the site including a proposed driveway adjacent to the residential property on the western side of the property. The neighbor has objected to that driveway location and it is staff's position that considering the size of the applicant's property, the neighbor should not be subjected to the impacts generated by the access drive. Staff has met with the applicant and neighbor to try and work out a solution that will work for both parties. The proposed access drive that is now before the Planning Commission is supported by staff (See the attached Site Overview plan). The proposed driveway will be approximately 255' from the adjoining residence and 175' from the property line at that location. The driveway will connect to Hunter Valley Ln. approximately 105' from the neighbor's driveway. A street connection permit is required from the Tennessee Department of Transportation for the proposed driveway. To further reduce the impact of the driveway on the adjoining property, a "Type A" landscape screen shall be installed at the locations shown on the driveway/landscaping detail sheet. The access driveway and parking lot are required to be paved.

**EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE**

1. The facility will have minimal impact on local services since most utilities are available to serve this site. Approval is required from the Tennessee Valley Authority regarding the use of lake water for fire protection purposes.
2. With the central location of the facility on this 51 acre tract the use is compatible with the scale and intensity of the surrounding development and zoning pattern. The facility is also appropriate at this location which faces commercial uses on the opposite side of Bluegrass Lake to the north (about 400 feet).
3. The proposed driveway access with associated landscape screening should have minimal impact on the adjacent property.

**CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE**

1. With the recommended conditions, the event facility/pavilion meets the standards for development within the T (Transition) Zone and all other requirements of the Zoning Ordinance.
2. The proposed facility is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. With the recommended conditions, the use will not significantly injure the value of adjacent property. At the proposed location, the facility will not draw additional traffic through residential neighborhoods.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The Southwest County Sector Plan proposes agricultural and rural residential uses and stream protection for this site. Through the previous T (Transition) zone approval it was determined that T zone uses could be considered on a case by case basis within this plan designation.
2. This site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

**Action:** Approved **Meeting Date:** 8/12/2010

**Details of Action:**

**Summary of Action:** APPROVE the request for an event facility/pavilion in the T (Transition) zoning district, subject to 11 conditions:

**Date of Approval:** 8/12/2010 **Date of Denial:** **Postponements:** 3/11/2010-6/10/2010

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

**Date of Legislative Action:** **Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Disposition of Case:**

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Other Ordinance Number References:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**

# CASE SUMMARY

## APPLICATION TYPE: USE ON REVIEW

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
FAX • 215 • 2068  
www.knoxmpc.org

File Number: 2-E-11-UR                      Related File Number:  
Application Filed: 1/3/2011                      Date of Revision:  
Applicant: THE PAVILION AT HUNTER VALLEY FARM, LLC

### PROPERTY INFORMATION

General Location: Northwest side of Hunter Valley Ln., northeast of Keller Bend Rd.  
Other Parcel Info.:  
Tax ID Number: 155 044.06                      Jurisdiction: County  
Size of Tract: 6 acres  
Accessibility: Access is via Hunter Valley Ln., a local street with a 23' pavement width located within the right-of-way of Interstate 140.

### GENERAL LAND USE INFORMATION

Existing Land Use: Pavilion and event facility  
Surrounding Land Use:  
Proposed Use: Pavilion and event facility                      Density:  
Sector Plan: Southwest County                      Sector Plan Designation: LDR  
Growth Policy Plan: Rural Area  
Neighborhood Context: This area is developed with rural residential and agricultural uses under A zoning. Some commercial uses are located within view of the site to the north across Bluegrass Lake, zoned CA, along S. Northshore Dr.

### ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 9111 Hunter Valley Ln

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

### ZONING INFORMATION (where applicable)

Current Zoning: T (k) (Transition)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning: Portion of the property (3.42 acres) rezoned T (Transition) with conditions by Knox County Commission on 10/26/2009. An additional 2.566 acres was rezoned to T (Transition) on 9/27/2010.

### PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the development plan for an event facility/pavilion in the T (Transition) zoning district, subject to 9 conditions:

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Health Department.
  2. Meeting all applicable requirements of the Knox County Zoning Ordinance.
  3. Meeting all applicable requirements of the Knox County Fire Marshal's Office.
  4. Obtaining all applicable building permits from Knox County.
  5. Obtaining a street connection permit from the Tennessee Department of Transportation for the proposed driveway that will serve the event facility/pavilion.
  6. Prior to beginning any construction on the access driveway, submit a revised driveway profile that improves the vertical transition from Hunter Valley Ln. into the site, to the Knox County Department of Engineering and Public Works for approval.
  7. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
  8. Installation of the two landscape screens as shown on the Overall Plan Detail sheet (for the access driveway for the event facility) prior to completion of the access driveway. A "Type A" landscape screen shall be provided (See attached information sheet). The applicant shall be responsible for maintaining the landscape screening.
  9. The required improvements for the access driveway and parking lot for the event facility/pavilion shall be installed by the applicant and approved by the Knox County Department of Engineering and Public Works prior to June 9, 2011. If these improvements are not completed by that date, this use on review approval shall automatically be revoked and shall terminate without any further action being required by the Planning Commission. If the use on review approval is revoked and terminated, any use of the event facility/pavilion shall immediately cease.

With the conditions noted above, this request meets all requirements of the T (Transition) zoning district, as well as other criteria for approval of a use on review.

Comments: The applicant is requesting a new use on review approval of an event facility/pavilion on a site located on the north side of Hunter Valley Ln. east of Keller Bend Rd. The 51.16 acre site includes an existing equestrian facility/horse farm located within the A (Agricultural) zoning district and an existing 6000 square foot pavilion located on a 6.0 acre portion of the site that is zoned T (Transition).

A use on review approval was granted for this facility on August 12, 2010. One of the conditions of that approval was that the required improvements for the access driveway and parking lot for the event facility/pavilion had to be installed and approved by the Knox County Department of Engineering and Public Works prior to January 1, 2011. If the improvements were not completed by that date, the use on review approval would automatically be revoked. Since the required improvements were not completed, that approval was revoked.

The application that is now before the Planning Commission has only a couple of minor changes from the previous approval. The first change includes the water source to be used for fire protection purposes. The original proposal was to pump water from Bluegrass Lake which required approval from the Tennessee Valley Authority. The revised plan is to pump water from a pond that is located on the south side of the parking lot for the event facility. The pond will be modified for that purpose. The second change that could have impact on the approval is a proposed lot along the western property boundary that the property owner is offering for sale as a residential lot. Staff had requested that the proposed lot be shown on the landscape screening plan to make sure that the lot and proposed access would not interfere with the landscape screening that was being proposed in that area. A revised plan is included in the packet and as proposed there will be no conflict. If any change is made to the proposed lot that would interfere with the required landscape screening a revised use on review

application would be required.

The Planning Commission recommended approval of the rezoning of 3.42 acre portion of the site to T (Transition) on September 10, 2009 (5-A-09-RZ). The Knox County Commission approved the rezoning on October 26, 2009 conditioned to limited use as an event facility, subject to a use determination and use on review development plan approval of the facility by the Planning Commission. A use determination (3-A-10-OB) was approved by the Planning Commission on March 11, 2010 which determined that an event facility and associated parking can be considered as a use permitted on review in the T (Transition) zone. The Planning Commission also recommended approval of a rezoning request (8-E-10-RZ) on August 12, 2010 for an expansion of the T (Transition) zone to approximately 6 acres in order to cover the pavilion and associated parking. That rezoning was approved by Knox County Commission on September 27, 2010.

The proposed access drive that is now before the Planning Commission is supported by staff (See the attached Site Overview plan). The proposed driveway will be approximately 255' from the adjoining residence and 175' from the property line at that location. The driveway will connect to Hunter Valley Ln. approximately 105' from the neighbor's driveway. A street connection permit is required from the Tennessee Department of Transportation for the proposed driveway. To further reduce the impact of the driveway on the adjoining property, a "Type A" landscape screen shall be installed at the locations shown on the driveway/landscaping detail sheet. The access driveway and parking lot are required to be paved.

#### EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The facility will have minimal impact on local services since most utilities are available to serve this site.
2. With the central location of the facility on this 51 acre tract the use is compatible with the scale and intensity of the surrounding development and zoning pattern. The facility is also appropriate at this location which faces commercial uses on the opposite side of Bluegrass Lake to the north (about 400 feet).
3. The proposed driveway access with associated landscape screening should have minimal impact on the adjacent property.

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the recommended conditions, the event facility/pavilion meets the standards for development within the T (Transition) Zone and all other requirements of the Zoning Ordinance.
2. The proposed facility is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. With the recommended conditions, the use will not significantly injure the value of adjacent property. At the proposed location, the facility will not draw additional traffic through residential neighborhoods.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan proposes agricultural and rural residential uses and stream protection for this site. Through the previous T (Transition) zone approval it was determined that T zone uses could be considered on a case by case basis within this plan designation.
2. This site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

**Action:** Approved **Meeting Date:** 2/10/2011

**Details of Action:**

**Summary of Action:** APPROVE the development plan for an event facility/pavilion in the T (Transition) zoning district, subject to 9 conditions:

**Date of Approval:** 2/10/2011 **Date of Denial:** **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

### LEGISLATIVE ACTION AND DISPOSITION

**Legislative Body:**

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**



**Disposition of Case:**

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**

# CASE SUMMARY

## APPLICATION TYPE: USE ON REVIEW

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N  
T E N N E S S E E

File Number: 8-C-11-UR                      Related File Number:  
Application Filed: 6/27/2011              Date of Revision:  
Applicant: THE PAVILION AT HUNTER VALLEY FARM

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
FAX • 215 • 2068  
www.knoxmpc.org

### PROPERTY INFORMATION

General Location: Northwest side Hunter Valley Lane, northeast of Keller Bend Road  
Other Parcel Info.:  
Tax ID Number: 155 04406                      Jurisdiction: County  
Size of Tract: 6 acres  
Accessibility: Access is via Hunter Valley Ln., a local street with a 23' pavement width located within the right-of-way of Interstate 140.

### GENERAL LAND USE INFORMATION

Existing Land Use: Pavilion and event facility  
Surrounding Land Use:  
Proposed Use: Pavilion and event facility                      Density:  
Sector Plan: Southwest County              Sector Plan Designation: Low density residential  
Growth Policy Plan: Rural Area  
Neighborhood Context: This area is developed with rural residential and agricultural uses under A zoning. Some commercial uses are located within view of the site to the north across Bluegrass Lake, zoned CA, along S. Northshore Dr.

### ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 9111 Hunter Valley Ln

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

### ZONING INFORMATION (where applicable)

Current Zoning: T (Transition) (k)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning: Portion of the property (3.42 acres) rezoned T (Transition) with conditions by Knox County Commission on 10/26/2009. An additional 2.566 acres was rezoned to T (Transition) on 9/27/2010.

### PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**MPC ACTION AND DISPOSITION**

**Planner In Charge:** Tom Brechko

**Staff Recomm. (Abbr.):** APPROVE the development plan for an event facility/pavilion in the T (Transition) zoning district, subject to 10 conditions:

**Staff Recomm. (Full):**

1. Meeting all applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knox County Zoning Ordinance.
3. Meeting all applicable requirements of the Knox County Fire Marshal's Office.
4. Obtaining all applicable building permits from Knox County.
5. Installation of the revised stormwater facilities as approved for this site by the Knox County Department of Engineering and Public Works.
6. The required paving for the access driveway and revised parking lot shall be completed by the applicant and approved by the Knox County Department of Engineering and Public Works.
7. Directional signage shall be changed to identify the new access drive off of Hunter Valley Lane as the entrance/exit for the event facility/pavilion.
8. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
9. Meeting the above conditions prior to the issuance of a Certificate of Occupancy for the pavilion.
10. The applicant shall be responsible for maintaining the two landscape screens (which have been installed) that are identified on the approved plans.

With the conditions noted above, this request meets all requirements of the T (Transition) zoning district, as well as other criteria for approval of a use on review.

**Comments:** UPDATE FROM MPC MEETING OF AUGUST 11, 2011:

Site Design: The applicant has submitted a revised parking lot layout for the site that has been prepared by Lemay and Associates Consulting Engineers. The revised site plan includes a total of 101 parking spaces. The design capacity for the pavilion is under 300 patrons which would require a minimum of 100 parking spaces. The stormwater management plan has been revised to reflect the changes in the parking area.

Staff's Revised Conditions: After reviewing the revised site plan for the facility, Staff has proposed a revised recommendation that has no phasing plan or recommended dates for completion of the required improvements.

Enforcement Action: On August 26, 2011, on behalf of the Knox County Department of Engineering and Public Works, a Motion for Temporary Injunction was filed against Hunter Valley, LLC (d/b/a The Pavilion at Hunter Valley Farm), from further unlawful use of the property at 9111 Hunter Valley Lane in violation of the Knox County Zoning Ordinance. A hearing will be held upon the application for injunctive relief on September 15, 2011 at 9:30 a.m. before Daryl R. Fansler, Chancellor, Part II of the Chancery Court of Knox County, Tennessee.

AUGUST 11, 2011 MEETING BACKGROUND (UPDATE FROM MPC USE ON REVIEW APPROVAL OF FEBRUARY 10, 2011):

When the Planning Commission approved the second use on review approval (2-E-11-UR) for the Pavilion at Hunter Valley Farm on February 10, 2011, there was a condition that the site improvements were to be completed and approved by the Knox County Department of Engineering and Public Works prior to June 9, 2011. Failure to complete the improvements would result in the use on review approval being revoked. While the applicant had made progress on installing the required site improvements, the stormwater facilities have not been completed (a Bond has been posted with the County for completion of the stormwater facilities), and the new access drive and parking facilities were not

completed which required paving to County standards.

Since the required improvements were not completed by the June 9, 2011 deadline, and the second use on review approval has been revoked, the applicant is back before the Planning Commission for a third time for a use on review approval. With this new application, the applicant requested that they be allowed to pave the parking lot in phases over the next three (3) years.

#### FEBRUARY 10, 2011 MEETING BACKGROUND:

The applicant requested a use on review approval of an event facility/pavilion on a site located on the north side of Hunter Valley Ln. east of Keller Bend Rd. The 51.16 acre site includes an existing equestrian facility/horse farm located within the A (Agricultural) zoning district and an existing 6000 square foot pavilion located on a 6.0 acre portion of the site that is zoned T (Transition).

A use on review approval was granted for this facility on August 12, 2010. One of the conditions of that approval was that the required improvements for the access driveway and parking lot for the event facility/pavilion had to be installed and approved by the Knox County Department of Engineering and Public Works prior to January 1, 2011. If the improvements were not completed by that date, the use on review approval would automatically be revoked. Since the required improvements were not completed, that approval was revoked.

The application that was before the Planning Commission had only a couple of minor changes from the previous approval. The first change included the water source to be used for fire protection purposes. The original proposal was to pump water from Bluegrass Lake which required approval from the Tennessee Valley Authority. The revised plan was to pump water from a pond that is located on the south side of the parking lot for the event facility. The pond will be modified for that purpose. The second change that could have an impact on the approval was a proposed lot along the western property boundary that the property owner is offering for sale as a residential lot. Staff had requested that the proposed lot be shown on the landscape screening plan to make sure that the lot and proposed access would not interfere with the landscape screening that was being proposed in that area. A revised plan was included in the packet and as proposed there would be no conflict. If any change is made to the proposed lot that would interfere with the required landscape screening, a revised use on review application would be required.

The Planning Commission recommended approval of the rezoning of 3.42 acre portion of the site to T (Transition) on September 10, 2009 (5-A-09-RZ). The Knox County Commission approved the rezoning on October 26, 2009 conditioned to limited use as an event facility, subject to a use determination and use on review development plan approval of the facility by the Planning Commission. A use determination (3-A-10-OB) was approved by the Planning Commission on March 11, 2010 which determined that an event facility and associated parking can be considered as a use permitted on review in the T (Transition) zone. The Planning Commission also recommended approval of a rezoning request (8-E-10-RZ) on August 12, 2010 for an expansion of the T (Transition) zone to approximately 6 acres in order to cover the pavilion and associated parking. That rezoning was approved by Knox County Commission on September 27, 2010.

The proposed access drive that was before the Planning Commission was supported by staff (See the attached Site Overview plan). The proposed driveway will be approximately 255' from the adjoining residence and 175' from the property line at that location. The driveway will connect to Hunter Valley Ln. approximately 105' from the neighbor's driveway. A street connection permit was required from the Tennessee Department of Transportation for the proposed driveway. To further reduce the impact of the driveway on the adjoining property, a "Type A" landscape screen shall be installed at the locations shown on the driveway/landscaping detail sheet. The access driveway and parking lot are required to be paved.

#### EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The facility will have minimal impact on local services since most utilities are available to serve this site.
2. With the central location of the facility on this 51 acre tract the use is compatible with the scale and intensity of the surrounding development and zoning pattern. The facility is also appropriate at this location which faces commercial uses on the opposite side of Bluegrass Lake to the north (about 400 feet).
3. The proposed driveway access with associated landscape screening should have minimal impact on the adjacent property.

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the recommended conditions, the event facility/pavilion meets the standards for development within the T (Transition) Zone and all other requirements of the Zoning Ordinance.
2. The proposed facility is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. With the recommended conditions, the use will not significantly injure the value of adjacent property. At the proposed location, the facility will not draw additional traffic through residential neighborhoods.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The Southwest County Sector Plan proposes agricultural and rural residential uses and stream protection for this site. Through the previous T (Transition) zone approval it was determined that T zone uses could be considered on a case by case basis within this plan designation.
2. This site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

**Action:** Approved **Meeting Date:** 9/8/2011

- Details of Action:**
1. Meeting all applicable requirements of the Knox County Health Department.
  2. Meeting all applicable requirements of the Knox County Zoning Ordinance.
  3. Meeting all applicable requirements of the Knox County Fire Marshal's Office.
  4. Obtaining all applicable building permits from Knox County.
  5. Installation of the revised stormwater facilities as approved for this site by the Knox County Department of Engineering and Public Works.
  6. The required paving for the access driveway and revised parking lot shall be completed by the applicant and approved by the Knox County Department of Engineering and Public Works.
  7. Directional signage shall be changed to identify the new access drive off of Hunter Valley Lane as the entrance/exit for the event facility/pavilion.
  8. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
  9. Meeting the above conditions prior to the issuance of a Certificate of Occupancy for the pavilion.
  10. The applicant shall be responsible for maintaining the two landscape screens (which have been installed) that are identified on the approved plans.

With the conditions noted above, this request meets all requirements of the T (Transition) zoning district, as well as other criteria for approval of a use on review.

**Summary of Action:** APPROVE the development plan for an event facility/pavilion in the T (Transition) zoning district, subject to 10 conditions:

**Date of Approval:** 9/8/2011 **Date of Denial:** **Postponements:** 8/11/2011

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

<b>Legislative Body:</b> Knox County Board of Zoning Appeals	
<b>Date of Legislative Action:</b>	<b>Date of Legislative Action, Second Reading:</b>
<b>Ordinance Number:</b>	<b>Other Ordinance Number References:</b>
<b>Disposition of Case:</b>	<b>Disposition of Case, Second Reading:</b>
<b>If "Other":</b>	<b>If "Other":</b>
<b>Amendments:</b>	<b>Amendments:</b>
<b>Date of Legislative Appeal:</b>	<b>Effective Date of Ordinance:</b>



Dori Caron &lt;dori.caron@knoxplanning.org&gt;

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**[Planning Commission Comment] Rezoning Request 4-J-19-RZ by Taylor D Forrester to rezone 9222 Tedford Lane which is deeded to Natural Roots Realty Holding LLC**

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Betty Gulley Laptop &lt;blcgulley@gmail.com&gt;

Tue, Apr 9, 2019 at 5:18 PM

Reply-To: blcgulley@gmail.com

To: TBGV Knoxville - Knox County Metropolitan Planning Commission &lt;commission@knoxplanning.org&gt;

Cc: John Cell &lt;jqgulley@gmail.com&gt;

[8842 Cove Point Lane](#)[Knoxville, TN 37922](#)

April 8, 2019

MPC Commissioners

Knoxville – Knox County Planning

City – County Building

[400 Main Street, Suite 403](#)[Knoxville, TN 37902](#)

RE: REZONING

**4-J-19-RZ****[9222 Tedford Lane](#)****Atty.: Taylor D. Forrester****RE: Tedford Lane Safety****And Width Issues****With 9 Pictures****Dear MPC Commissioners:**

Please find a PDF file below that includes my letter with my comments concerning:

- 1) Rezoning case 4-J-19-RZ currently scheduled for your regular Thursday April 11, 2019 Knoxville-Knox County Planning Meeting

2) An emphasis on Tedford Lane safety and width issues with 9 pictures

John Gulley

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This message was directed to [commission@knoxplanning.org](mailto:commission@knoxplanning.org)

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This message was directed to [commission@knoxplanning.org](mailto:commission@knoxplanning.org)



**TedRezone4.08.19.pdf**  
1834K

8842 Cove Point Lane  
Knoxville, TN 37922  
April 8, 2019

MPC Commissioners  
Knoxville - Knox County Planning  
City -County Building  
400 Main Street, Suite 403  
Knoxville, TN 37902

RE: REZONING  
**4-J-19-RZ**  
9222 Tedford Lane  
**Atty.: Taylor D. Forrester**

**RE: Tedford Lane Safety  
And Width Issues  
with 9 Pictures**

Dear MPC Commissioners:

My name is John Gulley and I reside at 8842 Cove Point Lane, about a half mile from the proposed 9222 Tedford Lane REZONING. I have seen and heard a great deal of discussion about Tedford Lane, some of it from the neighbors and other from the CDM Smith traffic engineering firm or its employees...

I understand from neighbors that the current owner of the property, said to be a Daniel Feehan, up and built a building housing a landscape business that includes:

- 1) three large front facing overhead garage doors,
- 2) a gravel parking with two entrances extending to the street and
- 3) a multitude of trucks, trailers parked about the front to support the landscaping business.

The problem is that the property is zoned Agricultural which allows:

“single family or church on 1 acre and duplex on 2 acres”

Now Attorney Forrester has submitted a request to MPC seeking “Transitional” zoning which allows:



“compatible mixed use activities such as apartments, hospitals, clinics, professional business offices, educational and philanthropic institutions, parks and private clubs). Of course, if the property is ever sold, the zoning is conveyed to the new owner with the property”

**I ask that the request to rezone to “Transitional” be refused and that no rezoning or variances whatsoever be approved because:**

1. **The owner proceeded to build an illegal non-complying structure and business operation. And now, after the fact, he seeks a new zoning incompatible with his current business. What is going on here?**
2. He is said to be in conflict with his neighbors over **on-street parking**.
3. **AND ESPECIALLY** because his business will increase traffic on **the east end of Tedford between Neely and Toolles**. This road is **already dangerously over used by all manner of trucks and tractor- trailer rigs**.

The thesis from CDM Smith, traffic engineers, seems to be that:

1. There is very little traffic on Tedford
2. The road is of little importance
3. They measure the segment lying between Neely Lane and Toolles Bend Road to be a safe 16 to 17 feet wide compared to 14 feet from TRIMS data.

However home owners living in the Toolles Bend – Keller Bend Peninsula area laughingly disagree with the independently contracted CDM Smith document.

Tedford is important to these homeowners because;

- 1) For residents of the Cove point, River Club and Victoria Inlet subdivisions it is an alternate preferred shortcut to S. Northshore exiting at a traffic light between Ebenezer Road and Pellissippi Parkway. It is an alternate escape route when winter storms and tree falls close Toolles Bend or interrupt electric power.
- 2) For residents of Kelsey Road and Mossy Hollow Way, it is the only exit from their neighborhood.
- 3) For the proposed 620 home Post Oak Development it would be an Alternate escape route to reach S. Northshore.
- 4) For Keller Bend residents, it provided the only escape when the recent flooding blocked Keller Bend Road for many days.
- 5) Wright's Ferry Road and Badgett Road residents use it avoid the development induced twice a day traffic stoppage on S Northshore between Rocky Hill and Pellissippi Parkway.
- 6) For Rural Metro Fire, Tedford may offer (during after hours traffic) fewer sharp curves than Toolles Bend to move their only ladder truck

from its Parkside Drive fire house to fight a fire in the 240 multi-story Stacked Flat / Big House condo units approved for the end of Tooles Bend Road. This is important because Rural Metro Battalion Chief J. Devlin has pointed out that, once started, a fire doubles in size each minute and it takes an estimated 20 minutes for the ladder truck to reach the end of Tooles.

Tedford currently has several safety issues on the segment between Neely Lane and Tooles Bend. Along that stretch, there are many vertical hard objects (trees, guard rails, stone mail boxes) and steep 100 ft. drop offs as close as 5 inches from the edge of the asphalt (see pictures). If you are driving at 25 mph on rough pavement, it is reasonable to try to keep a 3-4 foot clearance between the side of your car and such dangers. The sides of modern cars extend a couple of more inches more beyond the side of their tires, thus increasing the width of unusable pavement. The rounded corners of modern cars make it difficult to judge precisely what the clearance will be between your car and a vertical hazard. Washboard roads can quickly pitch your vehicle sideways toward a hazard. Oncoming cars regularly speed and drive down the center of this road. Tractor trailer rigs top hills in front of you unable to back up.

For all of these reasons, drivers passing vertical hazards on this segment of Tedford Lane must drive 3 or 4 ft. closer to the center of the road than they might drive on a similar road not having these vertical hazards but, at the same time, prepare to break suddenly and move toward the road side.

**You do not require an engineering degree to discern this problem. I invite you to simply apply common sense and your own life experiences to the situation.**

**Tedford may be 16 to 17 ft. wide, BUT FUNCTIONALLY, IT IS 14 ft. WIDE in many places.** If you happen to pass a car coming from the opposite direction, you may have to slow to a crawl, depending on what hazards are faced by the car/truck meeting you.

Thus drivers often sacrifice their mirrors as they avoid scraping the right sides of their cars. Just as in New York City, where taxi drivers often scrape the sides of their cars together keep driving, local drivers often bang their mirrors together and pause only briefly. Drivers involved in these minor wrecks face several urgent questions:

1. **On a functionally 14 ft. wide road with no centerline, how do you determine fault when both drivers are hugging the center of the road.**
2. **How long might it take for an accident investigator to reach the scene**

**of the accident?**

**Who wants to stop their car, wait and risk having some car or 3 ton vehicle & trailer top a blind hill or curve and crash into you and your stopped vehicle.**

**A proper consideration for the safety of the citizens of Knox County demands that the Knoxville - Knox County Planners not grant zoning or variances that endanger the lives and property of the citizens of Knox County by worsening traffic on an already extremely dangerous pig path of a road.**

**Attachment: Nine Pictures**

Hopefully Yours,

John Gulley







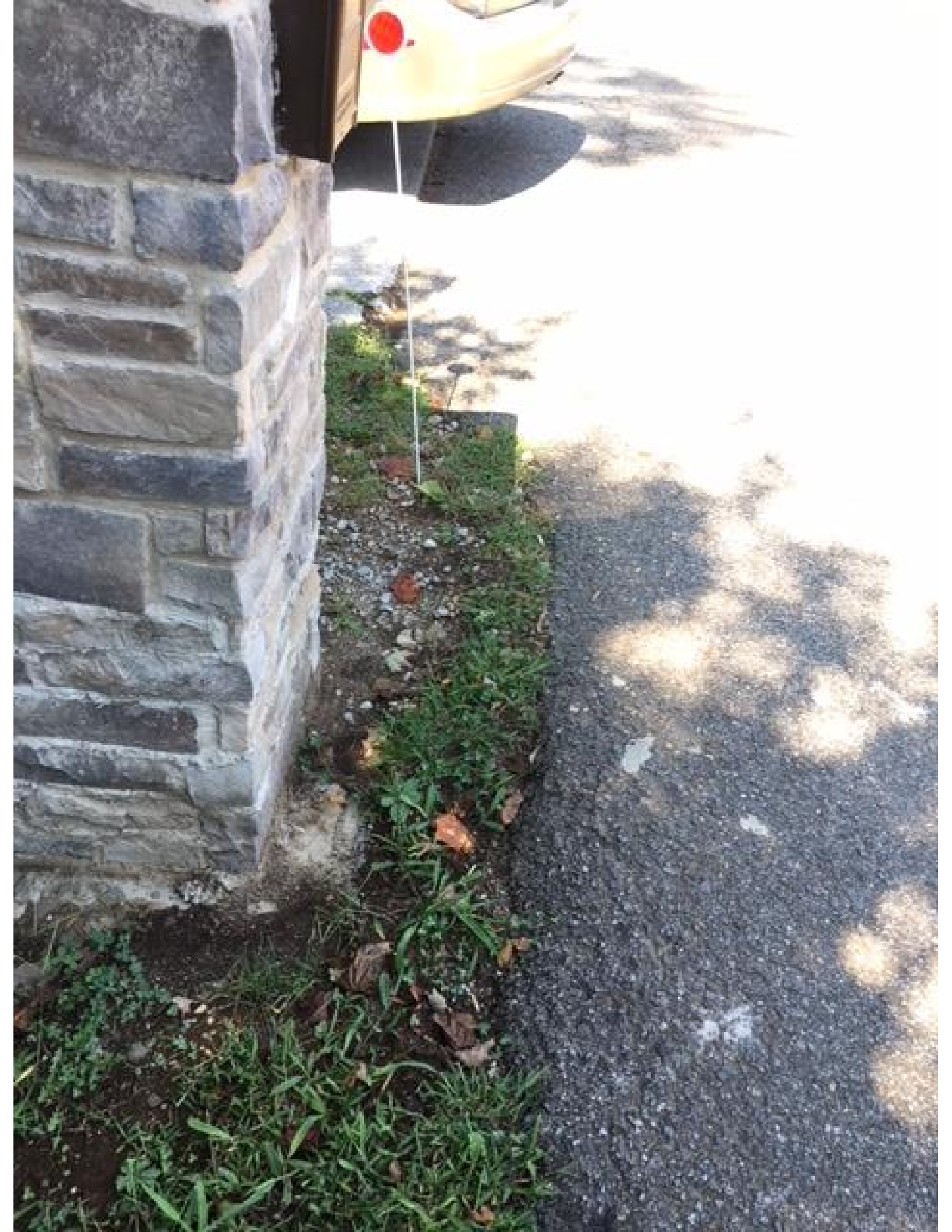














## Google Groups

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### 9222 Tedford Rd

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**Tresa Holt** <tresaholt@gmail.com>

Apr 8, 2019 7:42 AM

Posted in group: **Commission**

Dear commission members,

I strongly oppose the rezoning of the property at 9222 Tedford Rd for the following reasons:

1. The residential character of the neighborhood is not in line with the proposed rezoning.
2. The narrow roads carry too much traffic already and the heavy equipment and large trucks are unsafe.
3. Knoxville/Knox County officials are not protecting homeowners and neighborhoods. Crowded and inappropriate development is stressing already inadequate infrastructure, ruining the peace and tranquility of homeowners, and posing health and safety concerns.

Please protect our neighborhoods from encroachment.

Tresa Holt

APR 1 2019

**Knox County Planning Commission**  
400 Main Street, Suite 403  
Knoxville, Tennessee 37902

**March 28, 2019**

Attn.: Mike Reynolds

**Re: File # 4-J-19-RZ**

Dear Mr. Reynolds,

In 2006 I had Bruce McClellan (Registered Surveyor #696) survey (2) two acre lots on Tedford Lane out of the 25+/- tract we live on. I submitted the survey of these two lots to the planning commission for approval as a subdivision. Drain field areas were designated by the county and the (2) lot subdivision was approved.

Scott Pierce bought Lot #2 and asked if he could build his garage at the bottom of the sloping lot. He owned a number of boats, RV's and cars that would be difficult to negotiate on the steep portion of the lot. I agreed. Scott worked with the county on the approved drain field location having to pump affluent uphill behind the garage. His plan was to build his house above the garage and drain field. Scott later sold Lot #2 with the garage to Daniel Feehan (Natural Roots Realty Holding LLC), the current owner and business operating out of the garage. The Feehans told me they were looking for a larger tract of land when I questioned their use of the lot. At some point an addition to the west end of the garage was built, and appeared to be very close to the property line between Lot #1 & #2. Dan and I checked the property line with a string and found the addition not to be an encroachment. At that time, I saw that the area behind the garage designated for drain field had been excavated and drainpipe was exposed. Dan said he was trying to establish an area for storage of landscape material, but stopped when he saw the drainpipe.

I sold Lot #1 to Clay Gilstrap and Wife on which they plan to build a house in the future. Lot #1 is adjacent to Lot #2 on the West side. I never intended for either Lot #1 or #2 to ever be developed for more than one house and possibly an out building (Barn, Garage, Etc.). It seemed fitting to leave the land zoned Agricultural at the time.

Hopefully more suitable land can be found by the Feehans (Natural Roots Realty Holding LLC) for their business.

All said, I am not in favor of a zoning change from Agricultural to Transition.

Sincerely,

Samuel C. Perry

# TEDFORD LANE

(PAYEMENT)

755' ± 10

ANGLE IRON

SE LINE OF NEELY LN. EXTENDED

RAD. = 928.66'  
ARC = 146.88'  
CH. = 146.73'  
N 65°04'53" E

RAD. = 928.66'  
ARC = 108.03'  
CH. = 107.97'  
N 57°13'03"

①  
2.001  
ACRES

②  
2.019  
ACRES

JON D. SCHAFER  
D.B.K. 2173, PG. 689

N 25°59'18" W

510.07'

S 29°51'18" E

273.16'

S 34°31'00" E

256.00'

S 34°15'43" E  
233.17'

S 63°33'51" E

328.39'

15' UTILITY EASEMENT  
TRUST DEED 1518, PG. 1068

"DRAINFIELD TO BE INSTALLED  
IN HATCHED AREA, HOUSE  
CANNOT BE LOCATED IN  
HATCHED AREA."

"DRAINFIELD TO BE INSTALLED  
IN HATCHED AREA, HOUSE  
CANNOT BE LOCATED IN  
HATCHED AREA."

POWER BOX

S 89°10'52" W

203.92'

S 54°32'34" W

288.57'

SAMUEL C. PERRY  
D.B.K. 1589, PG. 99