



PLAN AMENDMENT REPORT

▶ **FILE #:** 1-B-19-SP **AGENDA ITEM #:** 21
AGENDA DATE: 1/10/2019

▶ **APPLICANT:** CITY COUNCIL / LECONTE HOLDINGS, LLC.
OWNER(S): Knoxville City Council / Laconte, LLC.

TAX ID NUMBER: 144 03201 [View map on KGIS](#)
JURISDICTION: Council District 2
STREET ADDRESS: 9608 Westland Dr

▶ **LOCATION:** Southeast side of Westland Dr., northeast side of I-140

▶ **APPX. SIZE OF TRACT:** 2.4 acres

SECTOR PLAN: Southwest County
GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
ACCESSIBILITY: Accessed via Westland Dr., a minor arterial with 30-50' of pavement width within a 195' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Sinking Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / A-1 (General Agricultural)

▶ **PROPOSED PLAN DESIGNATION:** O (Office)

▶ **EXISTING LAND USE:** Vacant Land

▶ **PROPOSED USE:** Storage Facility

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: 10-A-18-SP Request for GC (General Commercial) / 7-C-18-SP immediately east to GC

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Shoreline Church (RP-1 Zoning)
South: Interstate 140 (OS-1 Zoning)
East: Rural Residential (A Zoning - County)
West: Interstate 140 and Office, Commercial, Medium Dentistry Residential on other side of interstate(OS-1, PC, CA, PR Zoning)

NEIGHBORHOOD CONTEXT Interstate interchange area with a mixture of civic/institutional, low and medium density residential, office, and commercial developments.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 1-B-19-SP, amending the Southwest County Sector Plan to GC (General Commercial) designation and recommend that City Council also adopt the sector plan amendment**

(see attached resolution, Exhibit A).

Knoxville City Council referred this Sector Plan amendment (1-A-18-SP, formerly 10-A-18-SP) back to Knoxville-Knox County Planning. Associated with this application, City Council also referred the One Year Plan (10-A-18-PA) and Rezoning (10-B-18-RZ) amendments back to Knoxville-Knox County Planning to consider less intense uses.

Staff considered Office designation but this would be inconsistent with recent plan amendment to GC, immediately to the east. It is staff's opinion that public policy has recently shifted, as a recent plan amendment (7-C-18-SP) to GC was approved immediately to the east in Knox County. Given the location adjacent to the Westland Drive and I-140 interchange, it is situated in an ideal location for commercial uses.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:
INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No new roads or utilities have been introduced in this area. However, there have been improvements to the interchange in recent years.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The Southwest County Sector Plan was updated in 2016. At the October 2018, Knoxville-Knox County Planning recommended similar sector plan change, but in Knox County. This change introduced commercial uses into a previously designated low density residential area.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

A change in policy occurred with the recent amendment to the Southwest County Sector Plan that introduced commercial uses into this area.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

A change in policy occurred with the recent amendment to the Southwest County Sector Plan that introduced commercial uses into this area and will lead to a change in development patterns and traffic.

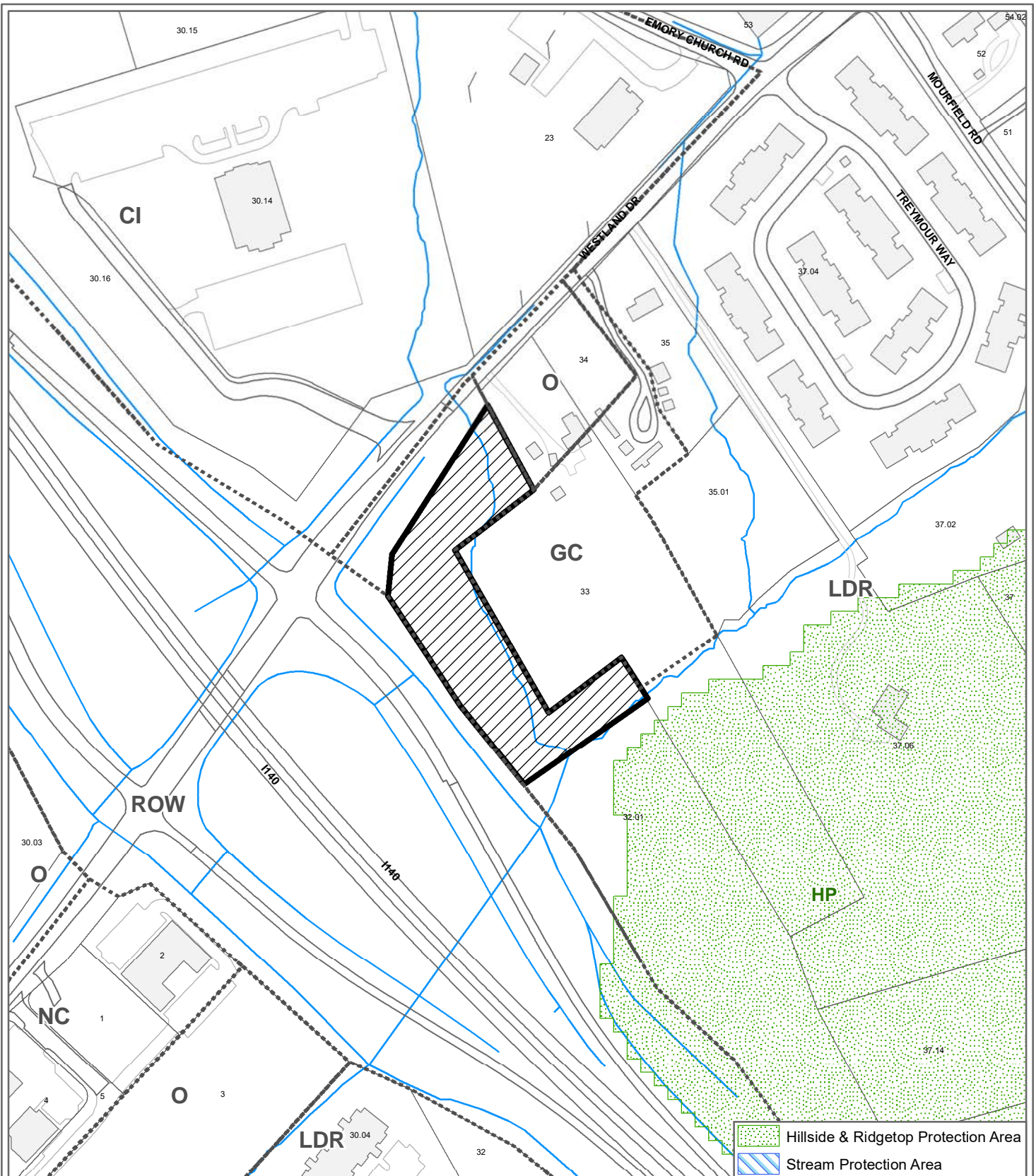
State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/12/2019 and 2/26/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**1-B-19-SP
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

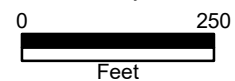
To: O (Office)



Petitioner: City Council / Leconte Holdings, LLC.

Map No: 144

Jurisdiction: City



Original Print Date: 12/12/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE SOUTHWEST COUNTY SECTOR PLAN***

WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Southwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, the Planning Commission has submitted an application to amend the Sector Plan from Low Density Residential to General Commercial, for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the Southwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Planning Commission, at its regularly scheduled public hearing on January 10, 2019, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Central City Sector Plan, with its accompanying staff report and map, file #1-B-19-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that City Council likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 10-B-18-RZ **AGENDA ITEM #:** 21
10-A-18-PA **AGENDA DATE:** 1/10/2019

▶ **APPLICANT:** **LECONTE HOLDINGS**
OWNER(S): LeConte Holdings, LLC

TAX ID NUMBER: 144 03201 [View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 9608 Westland Dr

▶ **LOCATION:** **Southeast side Westland Dr., northeast side I-140**

▶ **TRACT INFORMATION:** **2.4 acres.**

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Accessed via Westland Dr., a minor arterial with 30-50' of pavement width within a 195' right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Sinking Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **LDR (Low Density Residential) / A-1 (General Agricultural)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **GC (General Commercial) / C-4 (Highway and Arterial Commercial)**

▶ **EXISTING LAND USE:** **Vacant**

▶ **PROPOSED USE:** **Self-service storage facility**

EXTENSION OF PLAN DESIGNATION/ZONING: Yes

HISTORY OF ZONING REQUESTS: Recent case immediately east of parcel (7-C-18-SP)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Shoreline Church (RP-1 Zoning)

South: Interstate 140 (OS-1 Zoning)

East: Rural Residential (CA Zoning - County)

West: Interstate 140 and Office, Commercial, Medium Density Residential on other side of interstate (OS-1, PC, CA, PR Zoning)

NEIGHBORHOOD CONTEXT: Interstate interchange area with a mixture of civic/institutional, low and medium density residential, office, and commercial developments.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council Approve GC (General Commercial) designation.**

Knoxville City Council referred the One Year Plan amendment (10-A-18-PA) back to the Planning Commission, along with the Sector Plan (1-A-18-SP, formerly 10-A-18-SP) and Rezoning (10-B-18-RZ) amendments.

City Council asked the Planning Commission to consider less intense uses. Staff considered Office designation but this would be inconsistent with recent plan amendment to GC, immediately to the east. It is staff's opinion that public policy has recently shifted, as a recent plan amendment (7-C-18-SP) to GC was approved immediately to the east in Knox County. Given the location adjacent to the Westland Drive and I-140 interchange, it is situated in an ideal location for commercial uses.

► **RECOMMEND City Council APPROVE C-4 (Highway and Arterial Commercial) with two conditions.**

Conditions:

1. Proposed development plan shall be subject to Use on Review approval;
2. Proposed development shall include a landscape plan in accordance with Attachment A, Article 12. Landscape from the Draft City of Knoxville Zoning Ordinance.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these):

AN ERROR IN THE PLAN:

There are no apparent errors in the plan. The One Year Plan designates the site as LDR and historically the plans have not designated commercial development on the east side of the Westland Drive and I-140 interchange due to community resistance.

A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:

Improvements have been made in recent years to the interchange area.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

Public policy has recently shifted with a recent amendment (October 2018) to the Southwest County Sector Plan that placed a commercial land use designation abutting this property.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

No new information has become available.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

This site is located directly adjacent to a property that had a sector plan amendment (7-C-18-SP) to GC and rezoning to CA was approved by Knox County. The recommended conditions will ensure less negative impact to the surrounding area through provisions for Use on Review and specifically requiring landscaping.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

The proposed C-4 zoning does not abut any residentially zoned property. Furthermore, the back portion of the parcel, south of the creek is not proposed to be rezoned and will remain A-1 (Agriculture). The areas is adequately served by I-140 and Westland Dr. and is served by existing sewer and water.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE

GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

C-4 zoning is not consistent with the existing sector plan proposal for the property. In order to consider C-4 zoning, the associated sector plan amendment (1-B-19-SP) and one year plan amendment (10-A-18-RZ) would have to be approved. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

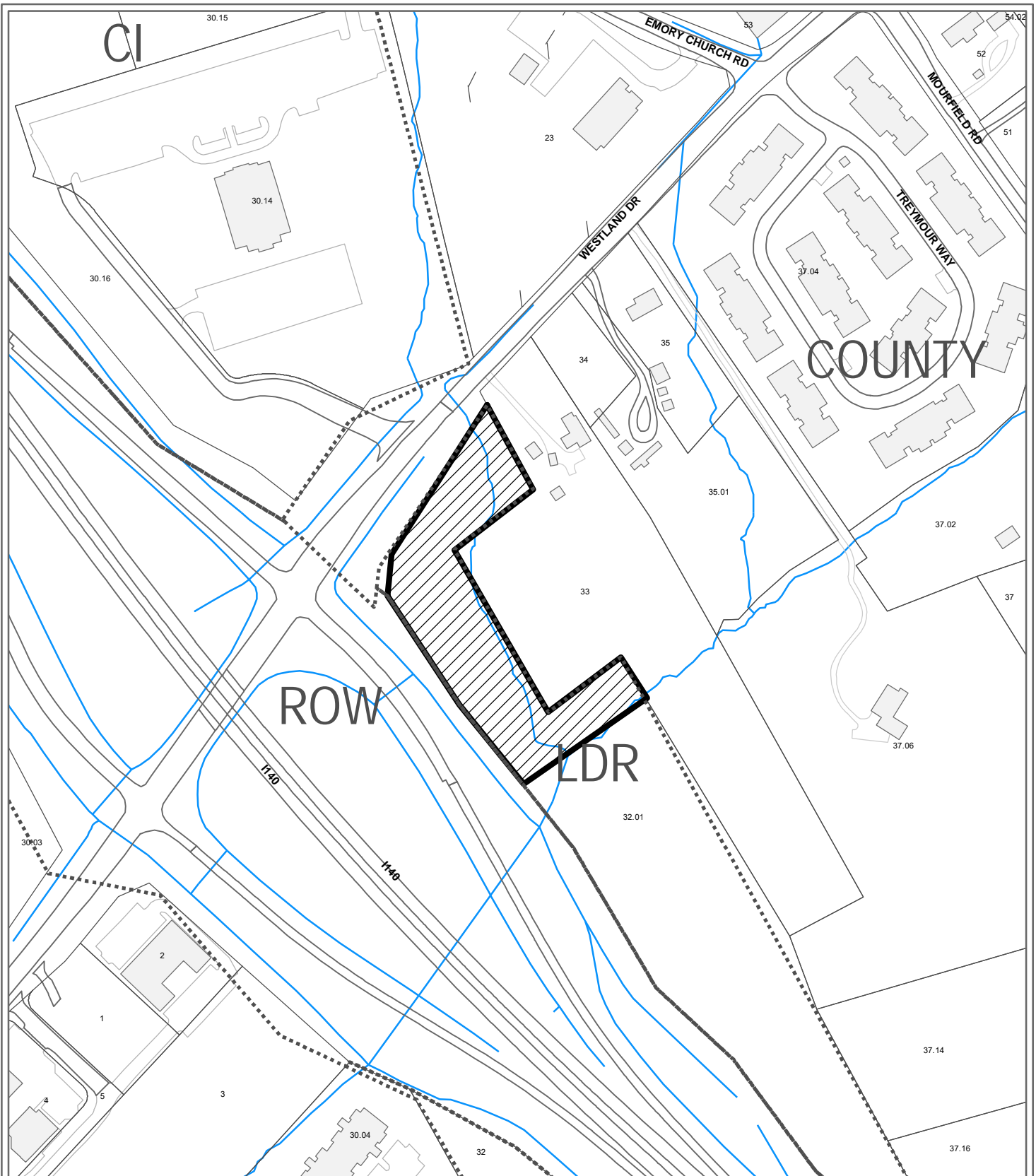
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ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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**10-A-18-PA / 10-B-18-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential)



To: GC (General Commercial)

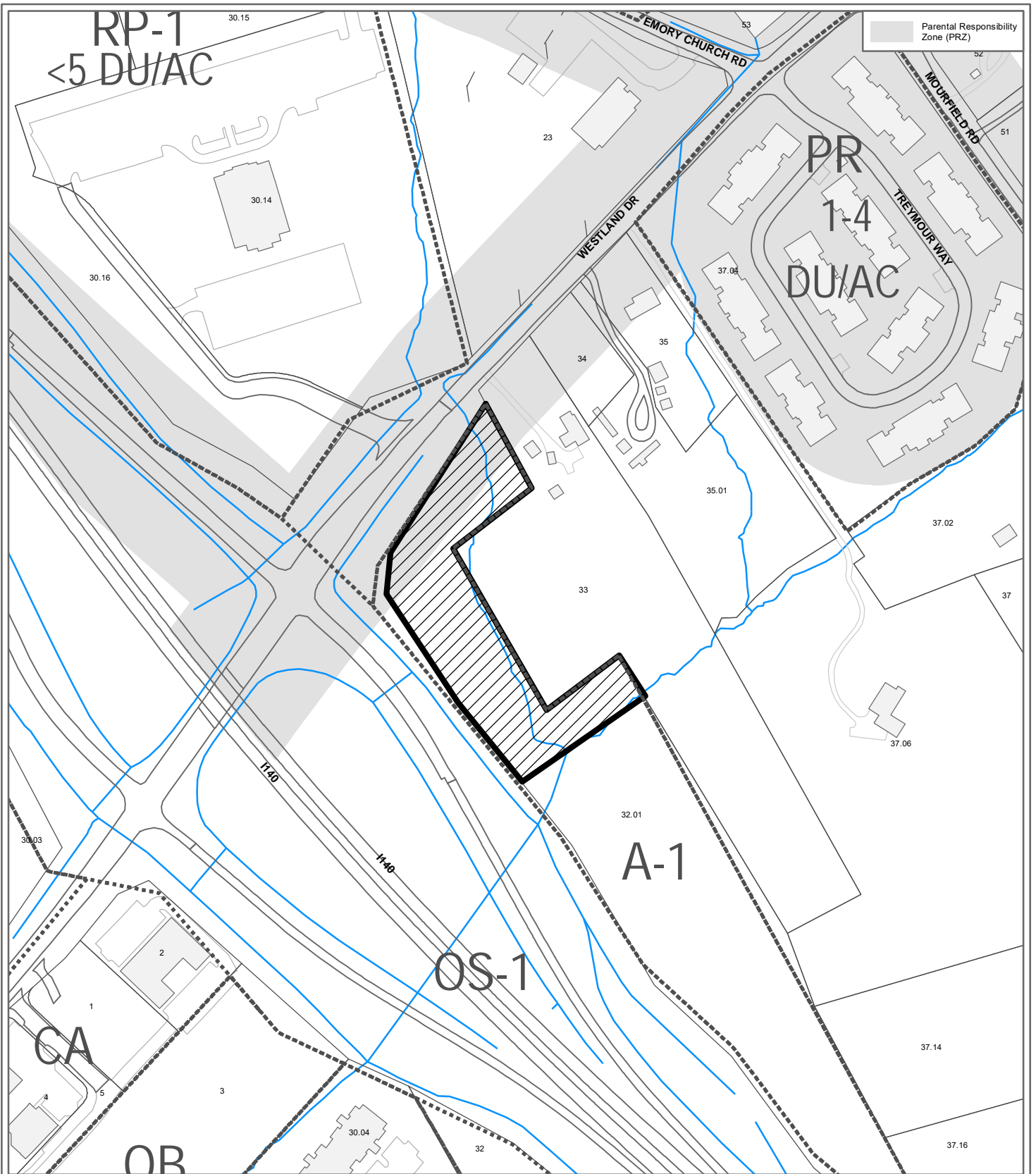
Petitioner: LeConte Holdings

Map No: 144

Jurisdiction: City



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



**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

Attachment A

PUBLIC HEARING DRAFT
December 2018 STAFF REVIEW

ARTICLE 12. LANDSCAPE

- 12.1 PURPOSE
- 12.2 LANDSCAPE PLAN
- 12.3 SELECTION, INSTALLATION AND MAINTENANCE
- 12.4 LANDSCAPE DESIGN STANDARDS
- 12.5 PARKING LOT PERIMETER LANDSCAPE YARD
- 12.6 INTERIOR PARKING LOT LANDSCAPE
- 12.7 SITE LANDSCAPE
- 12.8 BUFFER YARDS
- 12.9 TREE PRESERVATION

12.1 PURPOSE

The landscape standards of this Article are intended to:

- A. Create a desirable and functional open space environment for all site users, including pedestrians, bicyclists, and motorists.
- B. Preserve unique natural resources, including measures to preserve and protect existing healthy plantings.
- C. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
- D. Establish a natural environment within the City that provides a variety of benefits, including absorbing carbon dioxide and producing oxygen; intercepting stormwater, reducing surface runoff, curtailing erosion, and improving water quality; providing critical wildlife habitat to promote urban biodiversity; and providing shade to aid in passive cooling and the reduction of urban heat island effect.
- E. Utilize plant materials suitable to withstand the climatic conditions of the City and microclimate of the site. The use of non-invasive species native and naturalized to Tennessee is encouraged.
- F. Use of screening to minimize the impact of the development on adjacent uses and impact of incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.

12.2 LANDSCAPE PLAN

A. Landscape Plan Required

A landscape plan is required as part of a site plan review application for multi-family and townhouse development, nonresidential (including mixed-use) development, parking lots, and planned developments. The landscape plan must be approved prior to the issuance of a building permit.

B. Content of Landscape Plan

- 1. North arrow and graphic scale, the location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, underground utilities, retention/detention facilities, and other drainage facilities, such as drainage swales.
- 2. The location, quantity, size, name, and condition, both botanical and common, of all existing trees equal to or greater than 2 1/2 inches in caliper ~~plant materials on site~~, indicating trees ~~plant material~~ to be retained and to be removed.
- 3. The location, quantity, size, and name, both botanical and common, of all proposed plant material. This includes lawn and turf applications.
- 4. The existing and proposed grading of the site indicating contours at one-two ~~one~~ foot intervals. Any proposed berming, earthwork, or stormwater management basins must also be indicated using one-two ~~one~~ foot contour intervals.
- 5. Elevations of all proposed fences, stairs, and retaining walls.
- 6. Existing and proposed plantings in the right-of-way.

7. Any proposed irrigation plan, if irrigation is provided.
8. Any other details as determined necessary by the review body.

C. Minor Changes to Approved Landscape Plans

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes that reduce the amount of plant materials contained within an approved landscape plan are a major change and must be approved by the body granting approval of the landscape plan initially.

D. Alternative Landscape Design

1. These landscape requirements are intended to set minimum standards for quality development and environmental protection. Site conditions or other reasons may justify the need to request an alternate method of compliance. Alternative landscape plans may be considered when an applicant cannot meet one or more of the specific requirements of this Article because:

- a. Strict application of the landscaping requirements would require unreasonable or unnecessary compliance. Such situations could include water features, topography, lot configurations, utility maintenance zones, or unusual site conditions.
- b. The applicant envisions a more creative means to meet the spirit and intent of these requirements.
- c. A comprehensive landscaping plan involving several properties is proposed.

2. The applicant must submit an alternative landscape plan indicating proposed landscaping, that includes a list of landscaping requirements not met, a description of the alternatives proposed, and a written explanation of how the proposed plan fulfills the spirit and intent of the landscape requirements. The Alternative Landscape Plan must be submitted to and approved by the Administrative Review Committee. In approving the alternative landscape plan, the Administrative Review Committee must find that:

- a. The proposed alternative will not present a safety hazard.
- b. That proposed alternative will, upon maturity, provide landscaping that is equal to or better than the standard requirements.
- c. The proposed alternative is designed to address plant health and vigor.
- d. The proposed alternative is reasonably compatible with the natural and topographic features of the site.

12.3 SELECTION, INSTALLATION AND MAINTENANCE

A. Selection

1. All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
2. Species must be selected based on those that will survive and thrive in East Tennessee. Trees should be selected from the City of Knoxville's Tree List maintained by the City.
3. The use of native species and drought tolerant species is encouraged.
4. Invasive species are prohibited.

B. Installation

1. All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.

2. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.
3. Landscape materials should not conflict with existing overhead and underground utility infrastructure and maintenance zones. Landscape plans should reference the City of Knoxville's Tree List for appropriate species and their respective planting distances from adjacent utility infrastructure. Landscaping should not be selected that at maturity would grow into conflict with the utility maintenance zone. Alternative landscape plans (Section 12.1.D) may be considered when an applicant demonstrates that requirements may conflict with the utility maintenance zones.
 - a. Overhead utilities: At maturity, landscaping should not grow within ten feet of primary distribution lines and 25 feet within 69kv sub-transmission lines.
 - b. Utility poles: Trees should not be planted within ten feet of primary distribution poles and 25 feet within 69kV sub-transmission poles.
 - c. Support wires: Trees should not be planted within five feet of supporting guy wires.
 - d. Underground utility lines: The minimum distance of tree planting from the utility center line should be a minimum of ten feet. Shrubs and other landscaping vegetation are permitted in this area.
 - e. Pad mount transformers: Landscaping should be planted a minimum of six feet away from the side with doors and three feet away from the other sides.
4. No landscape should be located within any utility easement, with the exception of lawn grass or other resilient groundcover. If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.

C. Curbing

1. Landscaped areas may be recessed if flush curbs are utilized. If recessed, the landscaped areas must be designed for stormwater management and to prevent erosion and tracking.
2. Landscaped areas must be protected from encroachment of vehicles through use of curbs or wheel stops where necessary.

D. Maintenance

1. Landscape materials depicted on approved landscape plans are considered a required site element in the same manner as structures, required parking, lighting, and other improvements. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscape elements.
2. All landscape materials must be maintained in good condition, present a healthy appearance, and be kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 30 days of notification, unless an extension is approved by the City.

12.4 LANDSCAPE DESIGN STANDARDS

A. Minimum Planting Sizes

Minimum planting sizes are as follows. For the purposes of determining trunk size, the caliper is measured at six inches above ground level, unless otherwise specified in current American Standard for Nursery Stock (ANSI Z60.1).

1. Evergreen trees must have a minimum height of eight feet.
2. Shade trees must have a minimum two inch caliper.
3. Single stem ornamental trees must have a minimum trunk size of 2.5 inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.

4. Evergreen or deciduous shrubs of 18 inches in height.

B. Species Diversity

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 12-1: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees.) When the calculation of plant diversity requirements results in a fraction, the fraction is rounded up.

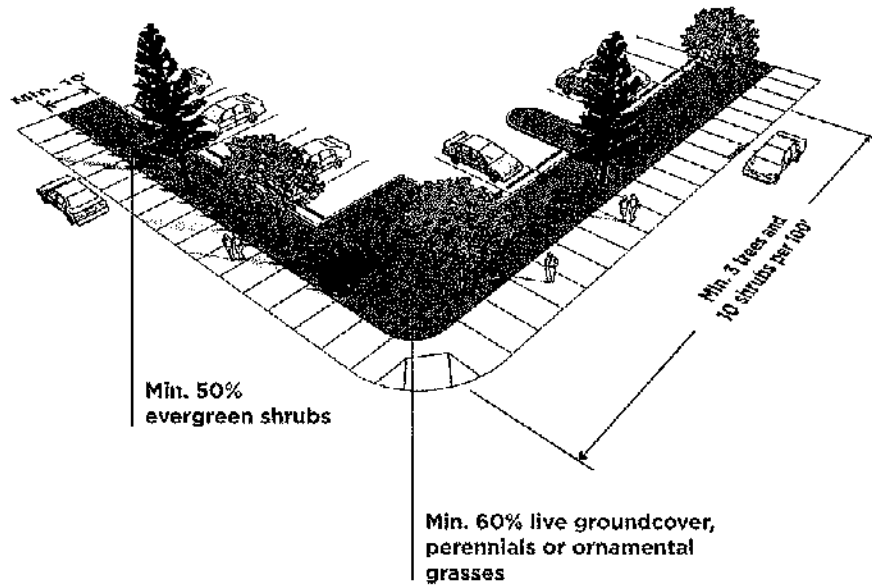
| Table 12-1: Plant Diversity Requirements | | |
|--|-------------------------------|---------------------------|
| Total Number of Plants per Plant Type | Maximum Number of One Species | Minimum Number of Species |
| 1-4 | 100% | 1 |
| 5-10 | 60% | 2 |
| 12-15 | 45% | 3 |
| 16-75 | 40% | 5 |
| 76-500 | 25% | 8 |
| 500-1,000 | 30% | 10 |
| 1,000+ | 15% | 15 |

12.5 PARKING LOT PERIMETER LANDSCAPE YARD

A perimeter landscape yard is required for all parking lots, including vehicular use areas, of 10,000 square feet or more in area. The perimeter landscape yard must be established along the edge of the parking lot to screen vehicle parking from the right-of-way. When an existing parking area is expanded, only the area of expansion shall be required to comply with these landscaping standards. The landscaped area must be improved as follows:

- A. A perimeter yard must be at least ten feet wide, measured from the edge of the parking lot to the right-of-way or, if utilities exist, to the utility maintenance zone, between the parking area and the right-of-way of adjoining streets. The width of the perimeter yard may be reduced to six feet for parking lots, including vehicular use areas, of less than 20,000 square feet.
- B. The perimeter yard must be planted with a minimum of three shade and/or evergreen trees and ten shrubs for every 100 linear feet. A minimum of 50% of the shrubs must be evergreen. For parking lots, including vehicular use areas, of less than 20,000 square feet in area, the width of the perimeter screening area may be reduced to six feet.
- C. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for any remaining area.
- D. Parking lots located on properties developed under a common or unified development plan and/or which have a shared access agreement are not required to provide the perimeter screening area along common property lines where parking areas abut.

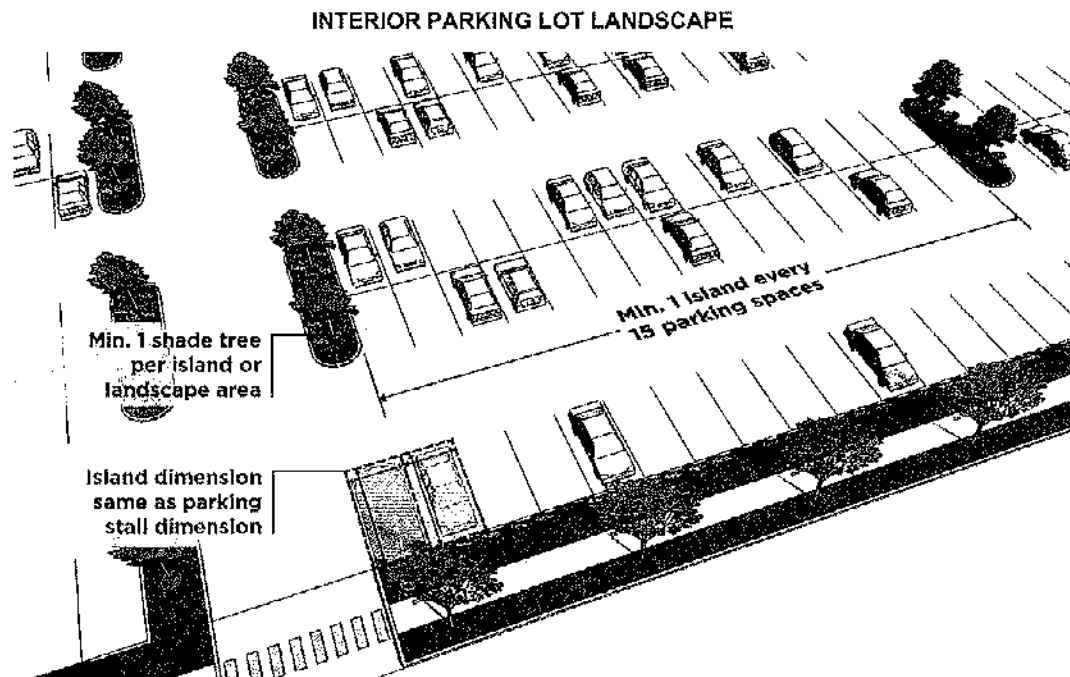
PARKING LOT PERIMETER LANDSCAPE YARD



12.6 INTERIOR PARKING LOT LANDSCAPE

Interior parking lot landscape is required for all parking lots and vehicular use areas of 20,000 square feet or more in area. The landscaped required is as follows:

- A. Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
- B. Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- C. A minimum of one shade tree must be provided in every parking lot island or landscape area for single row parking lot islands and two shade trees for double row parking lot islands. In addition to the required shade trees, a minimum of 60% of the area of every parking lot island must be planted in shrubs, live groundcover, perennials, or ornamental grasses, unless the parking lot island or landscape area is designed to facilitate pedestrian access through the parking lot as approved in landscape plan review. Stone, mulch, or other permeable landscape materials may be used for any remaining area.



12.7 SITE LANDSCAPE

A. Areas of any lot that are not covered by structures, ~~or pavement~~, ~~or other~~ and vehicle parking areas must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of the landscape area.

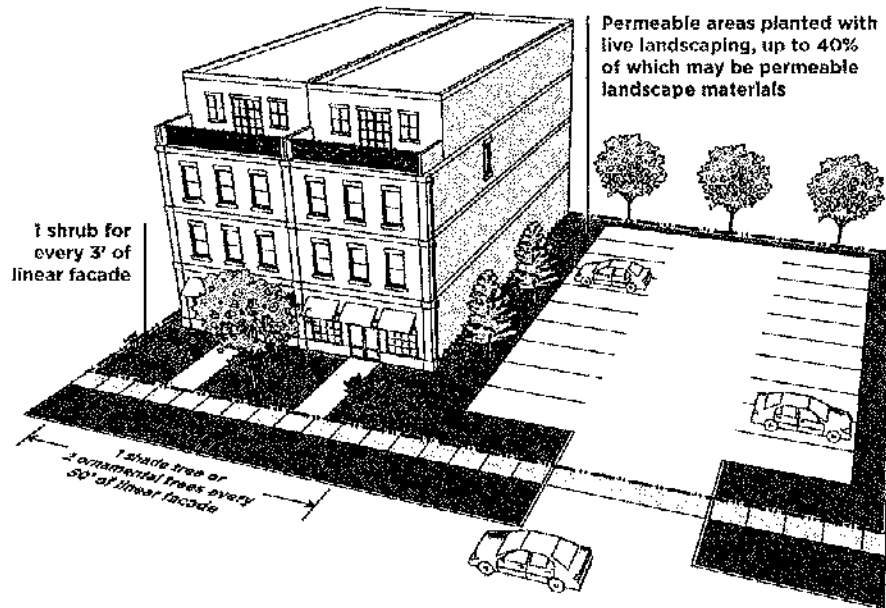
B. Where multi-family and nonresidential (including mixed-use) developments are located ten feet or more from a street lot line and no parking is located in front of the structure and also where any façade abuts any parking area, foundation landscape must be planted as described below. This planting area is required along 60% of the linear façade area. This percentage may be reduced to accommodate entry design and other building functional operations during landscape plan review.

1. One shrub for every three feet. Shrub locations within the planting area may be varied, but the total number of shrubs must be no less than as required in this section.
2. Shade trees are required in the amount of one tree every 50 feet. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Tree locations within the planting area may be varied, but the total number of trees must be no less than as required in this section.
3. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for the remaining area.
4. Planted pots and/or planter boxes may be used to satisfy up to 30% of the total landscape area requirement.

C. In the SW District, the following site landscape standards control:

1. All slopes steeper than 3:1 must be planted for erosion control.
2. Eight trees are required per acre of lot area that is not covered by principal or accessory structures. These trees may be counted toward required parking lot landscape.

SITE LANDSCAPE



12.8 BUFFER YARDS

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear and/or side yards. Nothing in this section prevents the applicant's voluntary installation of buffer yards where they are not required.

A. As of the effective date of this Code, buffer yards are required for new construction along interior side and rear lot lines.

B. Buffer yards may be located within required setbacks but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or any impervious surfaces are permitted within the buffer yard area.

C. The two types of buffer yards are as follows:

1. **Class A Buffer**

- a. Minimum Width: Ten feet.
- b. Minimum Required Shrubs: One shrub every five feet. A minimum of 50% of the shrubs must be evergreen.
- c. Minimum Required Trees: One evergreen tree for every 25 feet and one shade tree for every 50 feet.
- d. Planting locations may be varied, but the total number of trees must be no less than as required in this section.
- e. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for the remaining area.

2. Class B Buffer

- a. Minimum Width: Twenty feet.
- b. Minimum Required Shrubs: One shrub every three feet. A minimum of 50% of the shrubs must be evergreen.
- c. Minimum Required Trees: One evergreen tree for every 20 feet and one shade tree for every 30 feet.
- d. Planting locations may be varied, but the total number of trees must be no less than as required in this section.
- e. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for the remaining area.

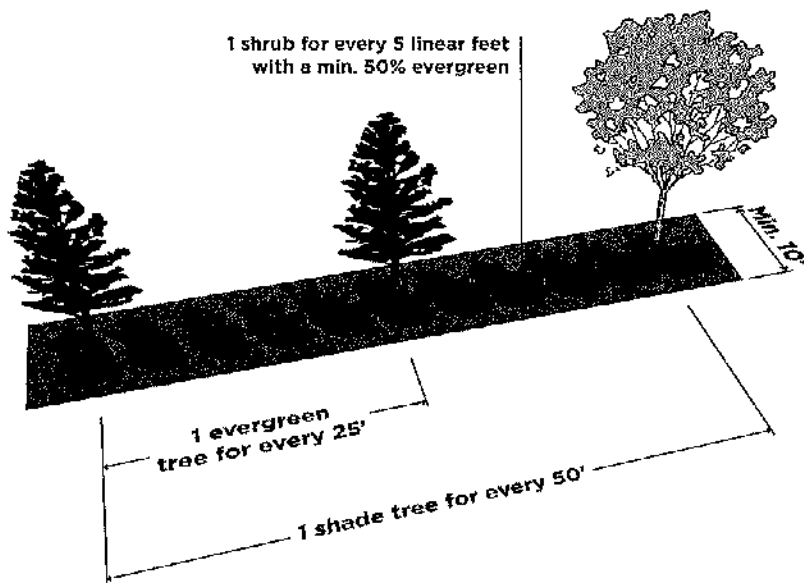
D. Where the buffer yard incorporates a wall or solid fence, ~~or berm~~, or a combination of such, the buffer yard width may be reduced by 30%.

E. When a wall or solid fence is incorporated into a buffer yard, ~~the fence~~ it must be a minimum of six feet up to a maximum of eight feet. When a wall or solid fence is combined with a berm, the combined height of the wall or solid fence and any berm cannot ~~exceed~~ be less than six feet or exceed eight feet.

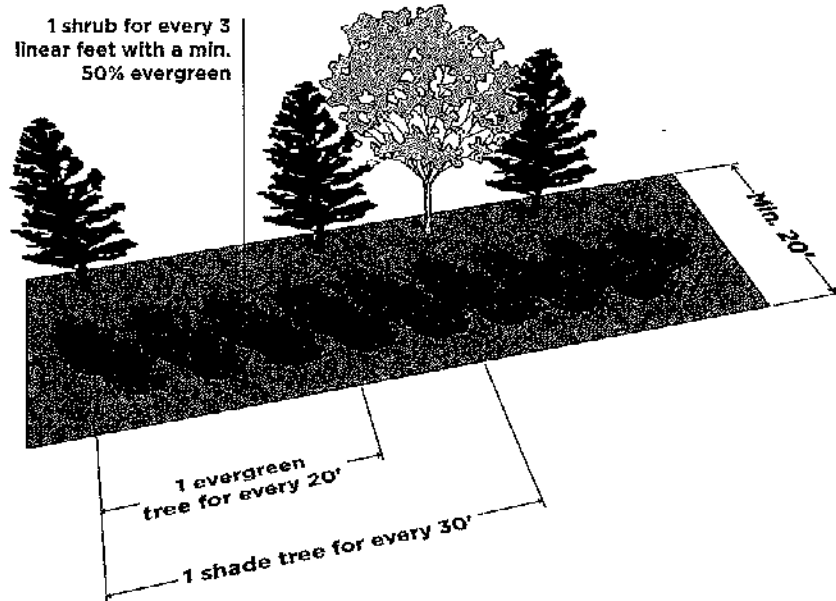
F. Buffer yards are required as described in the following chart:

| Development | Buffer Yard Class |
|--|---|
| Nonresidential use located within residential district | Class A Buffer |
| Nonresidential district abuts a residential district | Class B Buffer |
| Parking lot of a multi-family dwelling within a residential district | Class A Buffer |
| Per use standards | As determined in the standards of Article 9 |

CLASS A BUFFER YARD



CLASS B BUFFER YARD



12.9 TREE PRESERVATION

Existing healthy trees must be conserved when possible and will be credited toward landscaping requirements, when they are comparable in terms of species to new trees that would be permitted in the proposed location.

A. Credit for conserving existing, healthy trees is subject to Urban Forester approval. The credit approved for each conserved tree is based on a tree's diameter, measured 4.5 feet above the ground, and may be up to the amount indicated below:

1. Four to eight inches: Two trees credited
2. Eight to twelve inches: Three trees credited
3. Twelve to eighteen inches: Four trees credited
4. Eighteen inches or greater: Five trees credited

B. Existing trees may be used to fulfill some of the perimeter screening requirements, subject to approval by the Zoning Administrator. Existing trees are credited as set forth in this section. Trees to be conserved must be identified on the required landscaping plan. Conserved trees may comprise no more than 50% of the perimeter screening requirements and must be supplemented with new landscaping as required to create an effective screen.

C. If existing trees are being used as credit toward meeting the tree planting standards, a grading permit will not be issued until the following tree preservation protections are installed. Tree preservation includes the preservation of the trees root system within the tree protection zone.

1. The tree protection zone is determined by measuring one foot in radius away from the trunk of the tree for every one inch in diameter at 4.5 feet in height. No more than 10% of the tree protection zone may be disturbed with fill or grading work. Any impervious area within the existing tree protection zone does not need to be included in preservation measures.
2. Within the tree protection zone of a tree, there may be no cut or fill material unless a Certified Arborist has evaluated and determined that the disturbance will not impact the health of the tree.

3. Prior to and during construction, temporary barriers must be erected around all protected trees with barriers a minimum of four feet in height. There may be no storage or movement of equipment, material, debris, or fill within the fenced, tree-protection zone.
3. During construction, the applicant must prevent the cleaning of equipment or material or the storage and disposal of waste material, such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material, potentially harmful to the tree within the drip line of any protected tree. Nothing within this section is interpreted as an authorization to ignore or violate applicable federal or state hazardous waste laws.
4. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.

Google Groups

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.

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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.

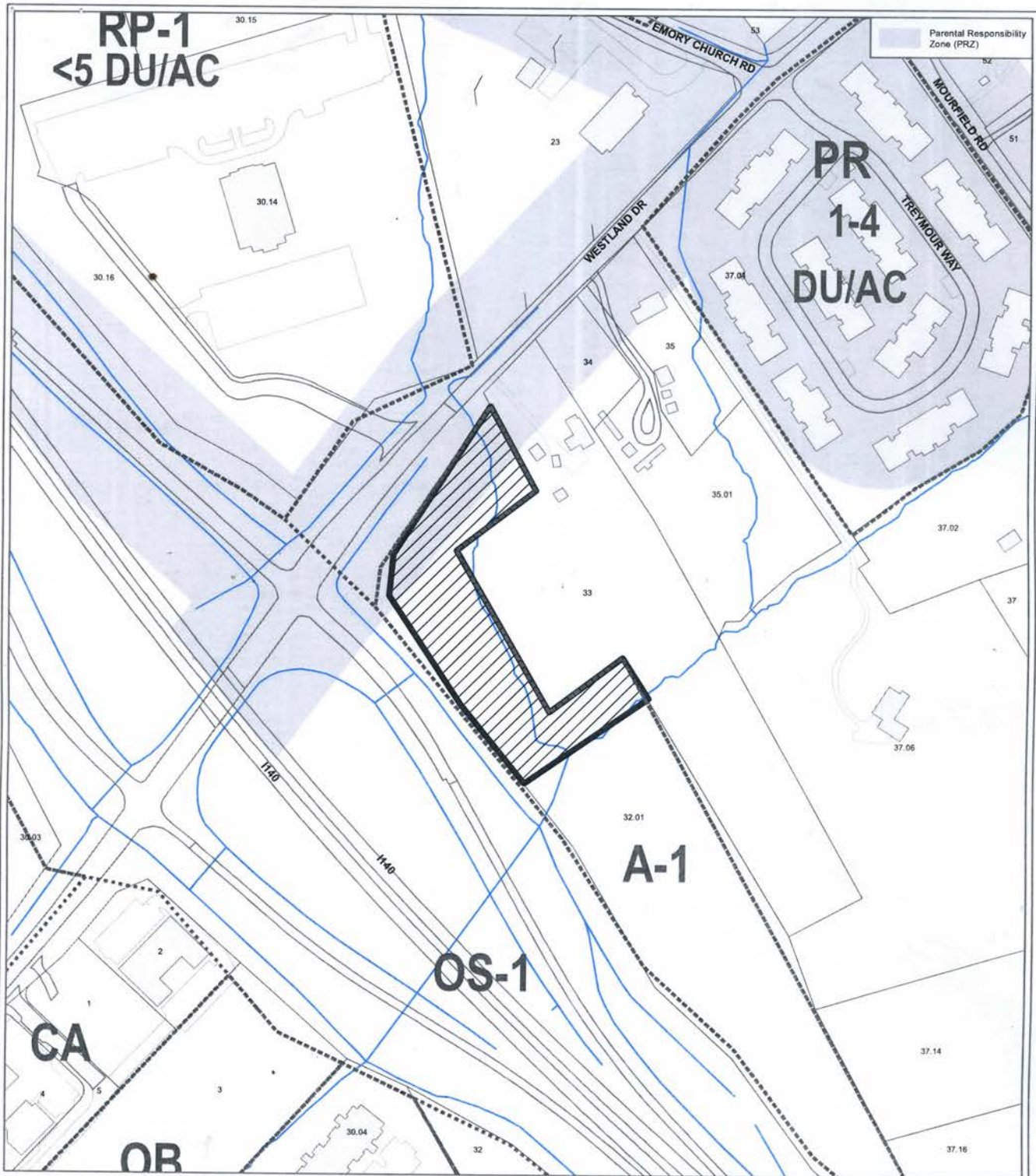
Simply because the community made an effort to properly accommodate a benign commercial use is not a reason to open up this area to unlimited commercial uses. The plan amendment and to GC Commercial and the C-4 rezoning should be denied.

Sharon Boyce and Jack Woodall

9520 Westland Drive

690-1125

October 10, 2018



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

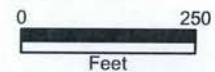
From: A-1 (General Agricultural)
To: C-4 (Highway and Arterial Commercial)



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>

Dr. Preston Smith
HD# 9116 – 9608 Westland Drive
Page 2 of 2

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.

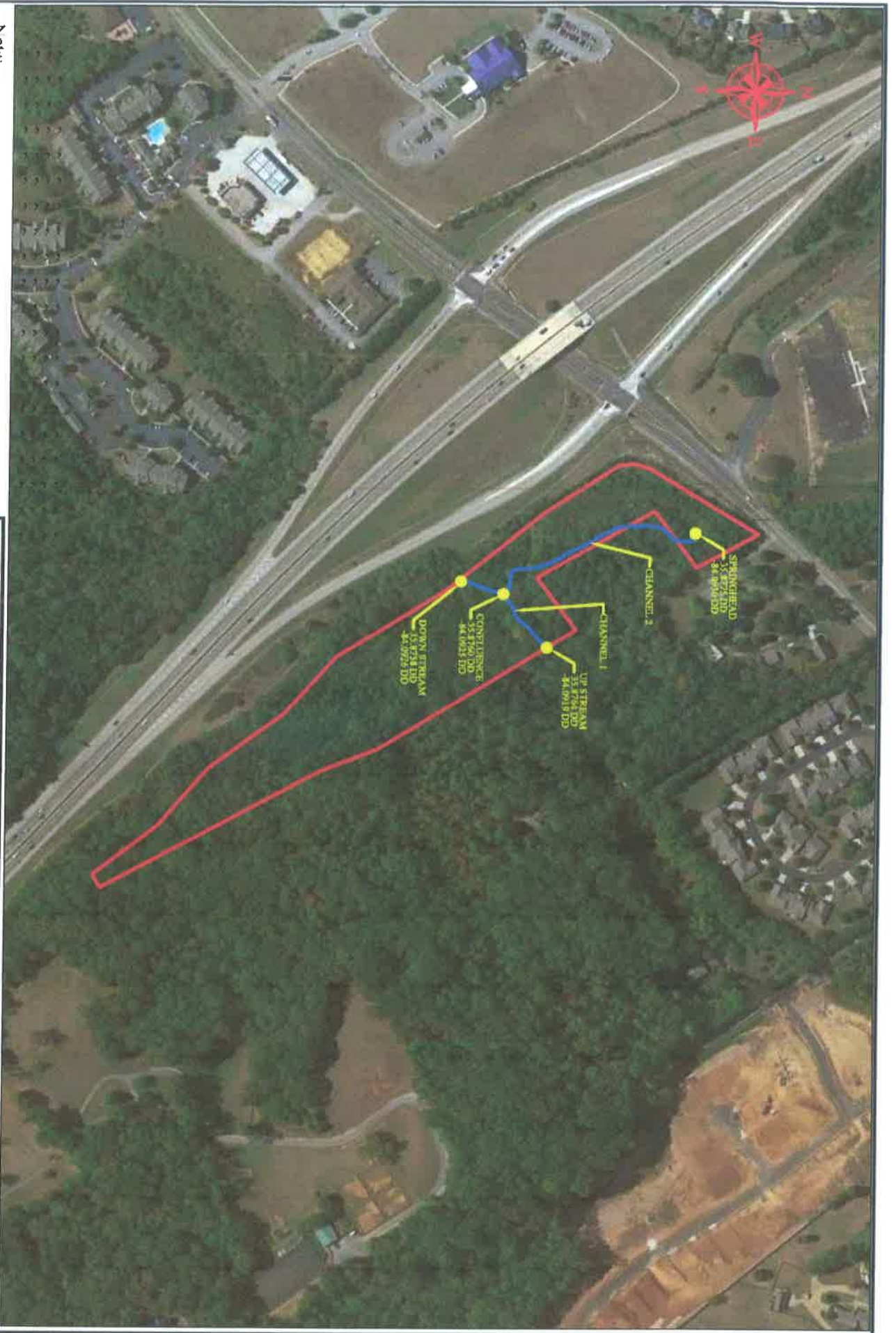
Sincerely,



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 Hydraulic Engineering

Don't just measure
 Tell what you see

| | |
|---|---------------------|
| WATER RESOURCE MAP WESTLAND DRIVE STREAM DETERMINATION 9608 WESTLAND DRIVE KNOXVILLE, TENNESSEE | JOB NO: 24-17866 |
|---|---------------------|



DEAN B. FARMER
ALBERT J. HARB
EDWARD G. WHITE II
THOMAS H. DICKENSON
J. WILLIAM COLEY
T. KENAN SMITH
WAYNE A. KLINE
B. CHASE KIBLER
JOSHUA M. BALL
JOSHUA J. BOND
LISA J. HALL
KANDI R. YEAGER
E. MICHAEL BREZINA III
OLIVER D. ADAMS
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WILLIAM D. EDWARDS
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JULIA S. HOWARD
HIRAM G. TIPTON
J. MICHAEL HAYNES
ROY L. AARON

RETIRED
DOUGLAS L. DUTTON
WILLIAM F. ALLEY, JR.
J.H. HODGES (1896-1983)
J.H. DOUGHTY (1903-1987)
RICHARD L. CARSON (1912-1980)
JOHN P. DAVIS, JR. (1923-1977)
JONATHAN H. BURNETT (1928-2015)
DAVID E. SMITH (1930-2016)

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.

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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.

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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

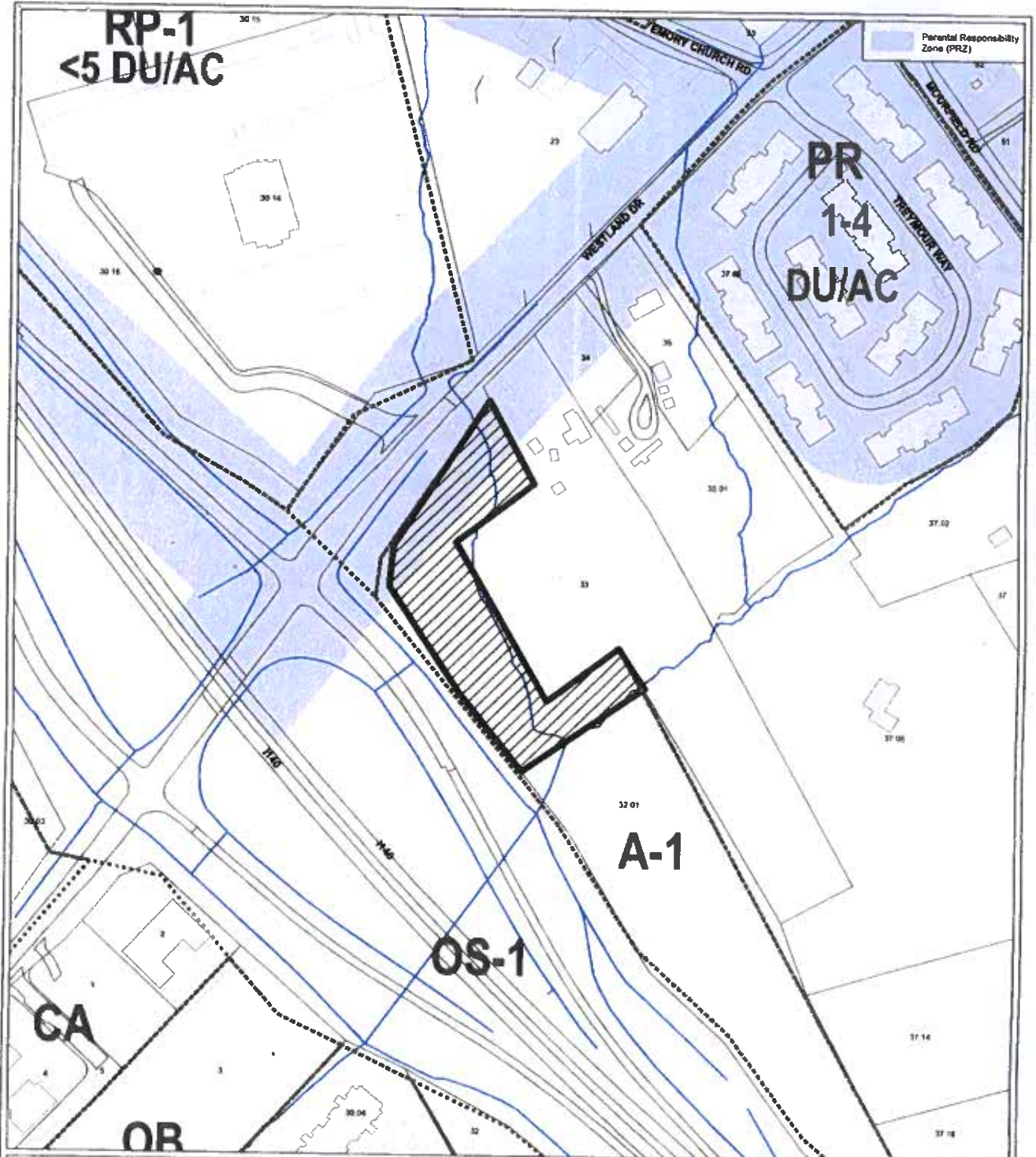


Wayne A. Kline

WAK/jt

attachment

Via electronic transmission (commission@knoxmpc.org)



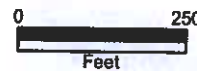
**10-B-18-RZ
REZONING**

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

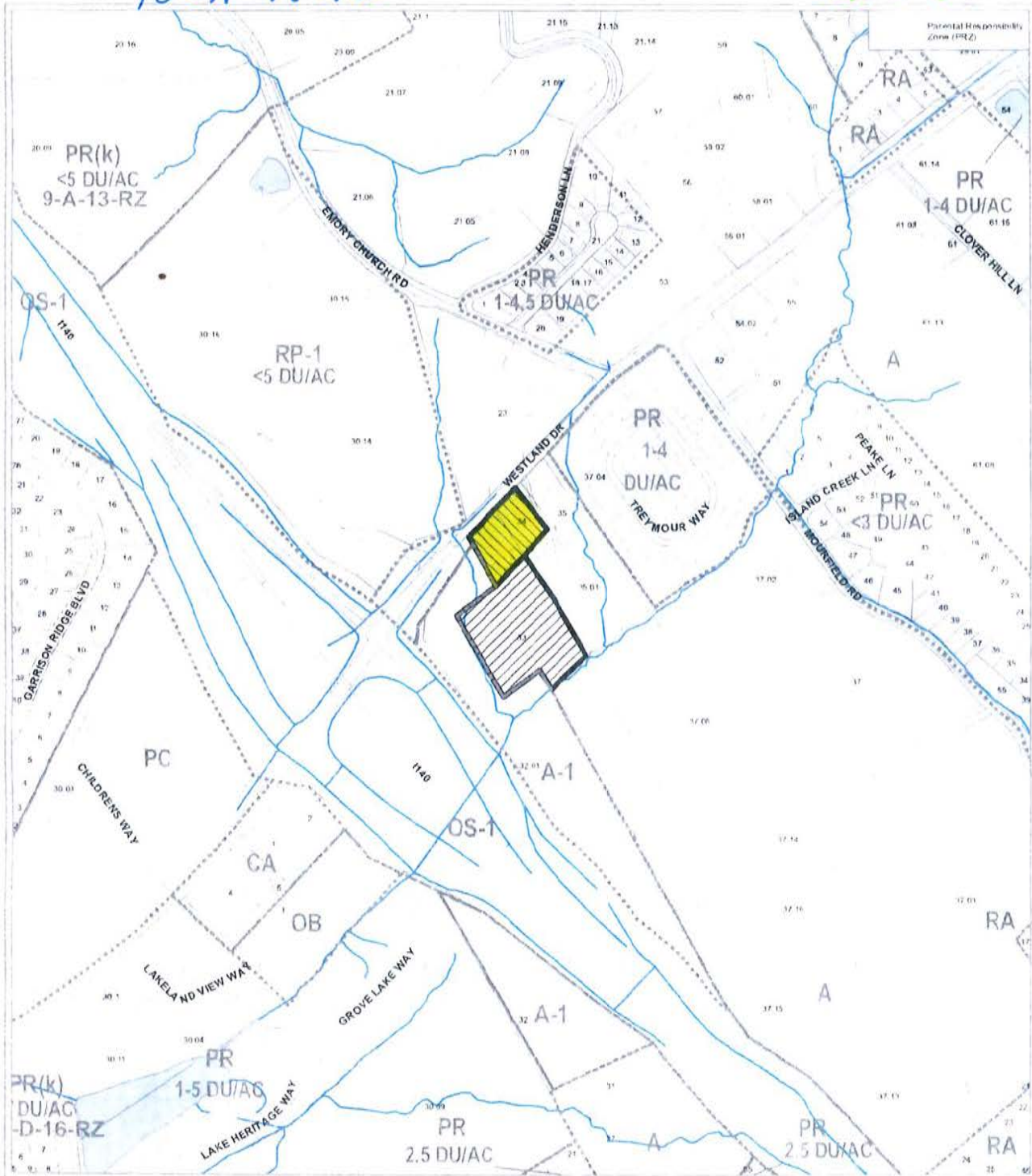
MPC October 11, 2018

Agenda Item #38

10-B-18-RZ
10-A-18-PA

10/11/18

AGENDA #38



**7-E-18-RZ
REZONING**



From: A (Agricultural)
To: CA (General Business)

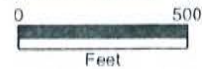
From: A (Agricultural)
To: OA (Office Park)

Original Print Date 6/21/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Allen, Craig

Map No: 144

Jurisdiction: County



October 11, 2018

Knoxville/Knox County Metropolitan Planning Commission

Agenda Date: October 11, 2018

Agenda Item #38

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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.

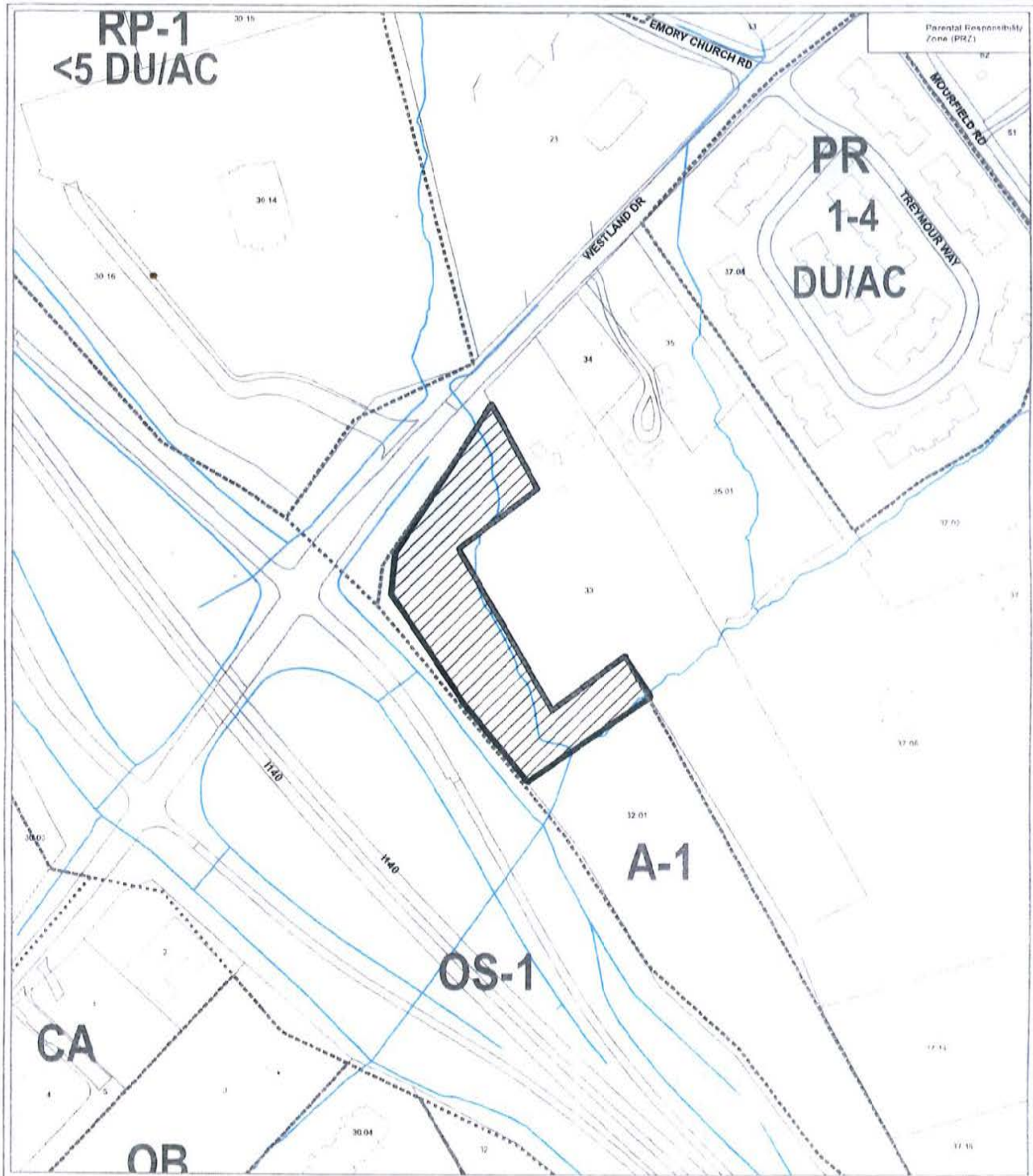
The General Description of the C-4, highway and arterial commercial district zone is as follows:

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



**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



10-B-18-RZ

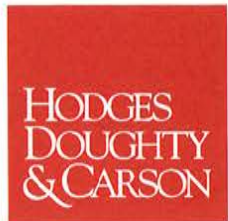
10-A-18-PA

10-11-18

Record Copy Agenda #38

10/11/18

MPC meeting



ATTORNEYS

DEAN B. FARMER
 ALBERT J. HARB
 EDWARD G. WHITE II
 THOMAS H. DICKENSON
 J. WILLIAM COLEY
 T. KENAN SMITH
 WAYNE A. KLINE
 B. CHASE KIBLER
 JOSHUA M. BALL
 JOSHUA J. BOND
 LISA J. HALL
 KANDI R. YEAGER
 E. MICHAEL BREZINA III
 OLIVER D. ADAMS
 WESLEY D. STONE
 WILLIAM D. EDWARDS
 J. SCOTT GRISWOLD
 DONALD J. FARINATO

ASSOCIATES
 MABERN E. WALL
 BART C. WILLIAMS
 LYNDSY L. LEE
 JAMES F. PARKER
 TERESA M. KLENK

 SPECIAL COUNSEL
 CHRISTOPHER A. HALL

 OF COUNSEL
 ROBERT R. CAMPBELL
 JOHN W. WHEELER
 DALTON L. TOWNSEND
 DAVID N. WEDEKIND
 JULIA S. HOWARD
 HIRAM G. TIPTON
 J. MICHAEL HAYNES
 ROY L. AARON

RETIRED
 DOUGLAS L. DUTTON
 WILLIAM F. ALLEY, JR

 J.H. HODGES (1896-1983)
 J.H. DOUGHTY (1903-1987)
 RICHARD L. CARSON (1912-1980)
 JOHN P. DAVIS, JR. (1923-1977)
 JONATHAN H. BURNETT (1928-2015)
 DAVID E. SMITH (1930-2016)

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 reasons 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.

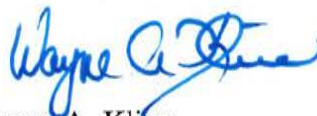
Approval of medium density residential uses for this site would be a Spot Plan Amendment which is not legal under Tennessee law. In an area of low density residential uses this development would inappropriately alter the treatment of density for the surrounding neighborhoods. All but one of the properties 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

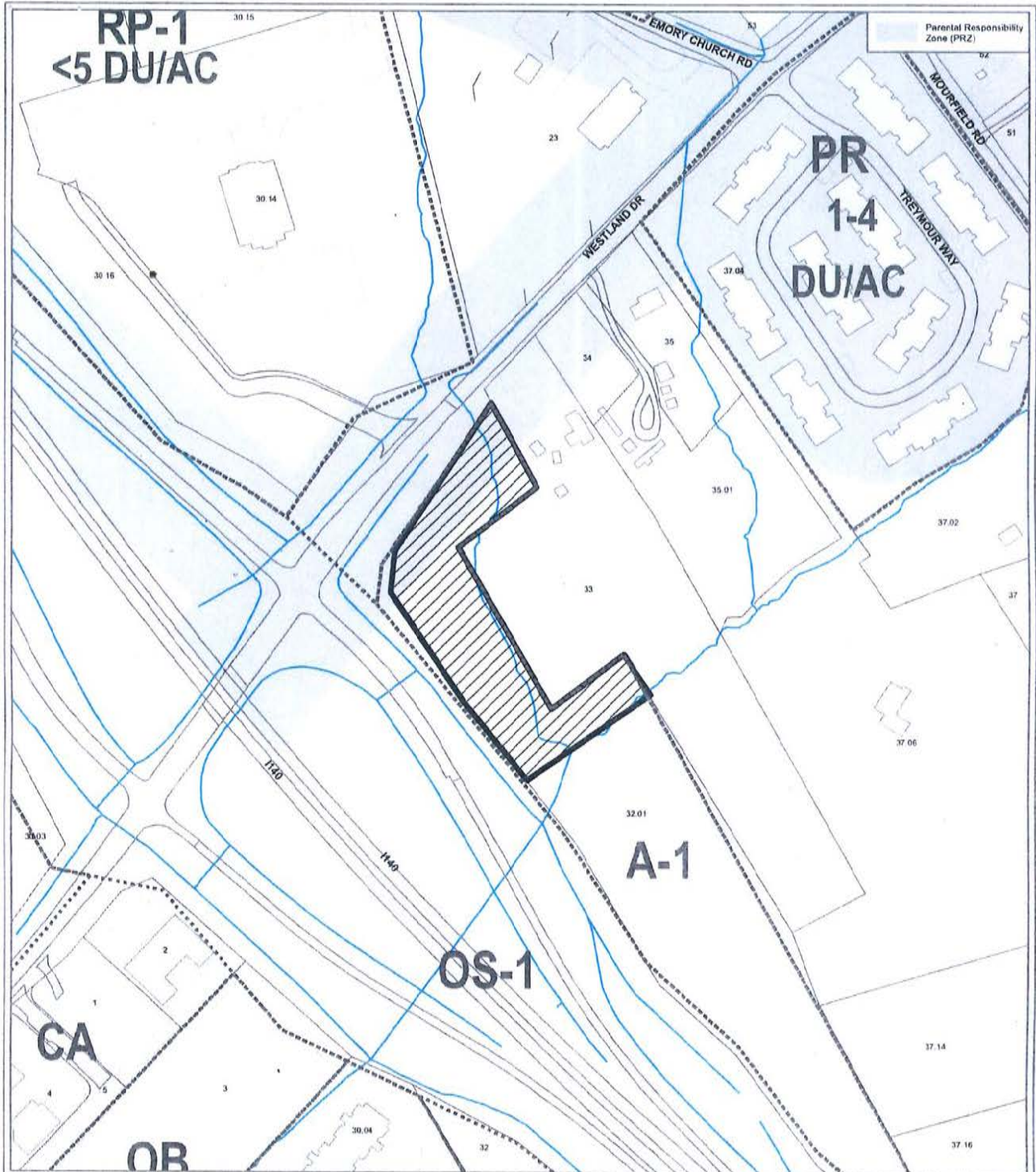




Wayne A. Kline

WAK/jt

attachment

Via electronic transmission (commission@knoxmpc.org)



| | | | |
|---|--|---|--|
| 10-B-18-RZ REZONING | | Petitioner: LeConte Holdings | |
| From: A-1 (General Agricultural) To: C-4 (Highway and Arterial Commercial) | | Map No: 144 Jurisdiction: City | |
| Original Print Date: 9/17/2018 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902 | | Revised:  Feet | |
| | |  | |

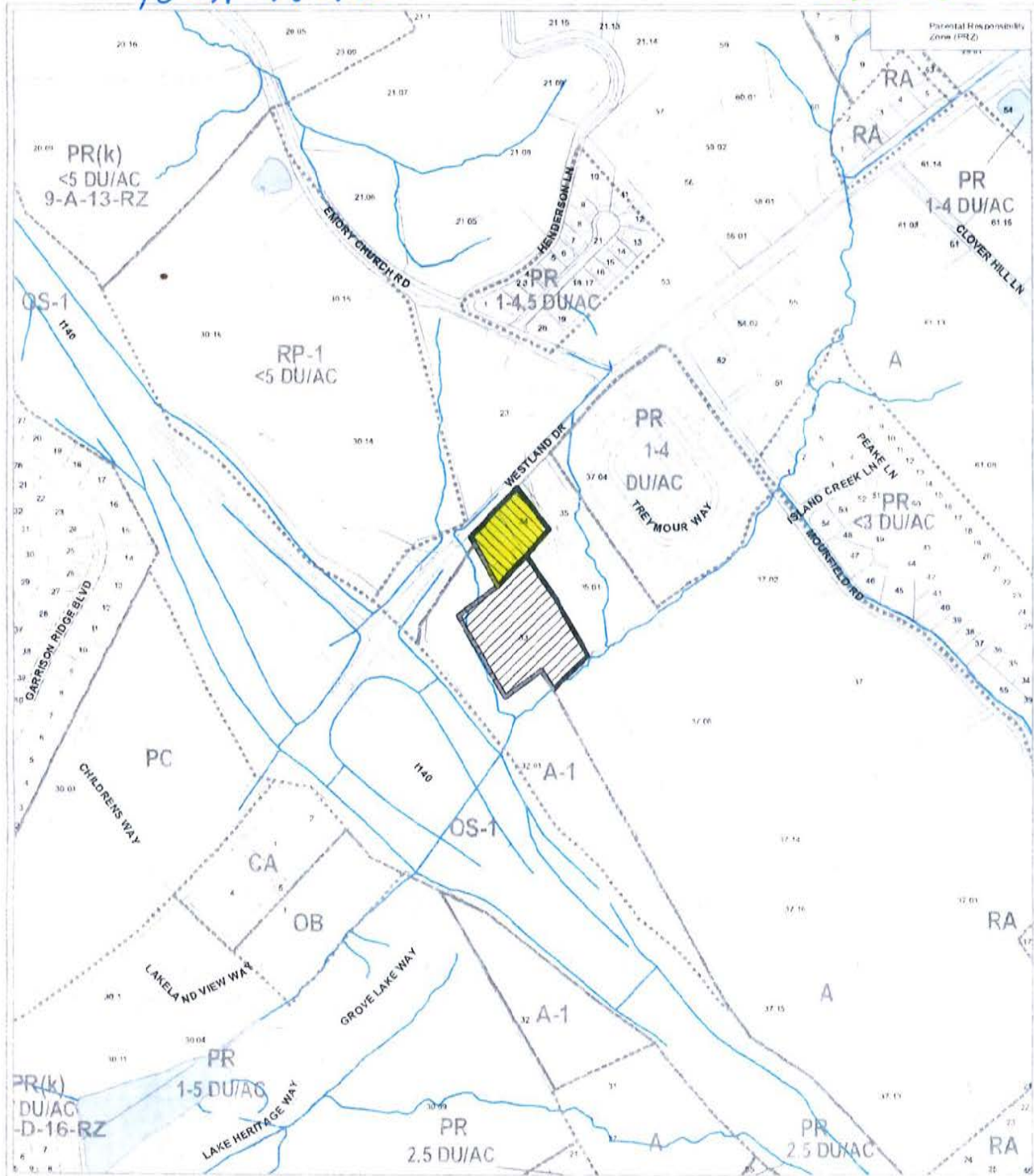
MPC October 11, 2018

Agenda Item #38



10-B-18-RZ
10-A-18-PA

10/11/18

AGENDA #38



**7-E-18-RZ
REZONING**

-  From: A (Agricultural)
To: CA (General Business)
-  From: A (Agricultural)
To: OA (Office Park)

Original Print Date 6/21/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Allen, Craig

Map No: 144
Jurisdiction: County



October 11, 2018

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 Pellissippi Parkway after its annexation. Only two other properties on the opposite side of Westland Drive similarly 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 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 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-service 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-service storage facility and that the applicant would not enter into deed restrictions similar to those agreed to by Mr. Allen. If the C-4 zone is approved, the applicant is free to construct any use found in the C-4 zone.

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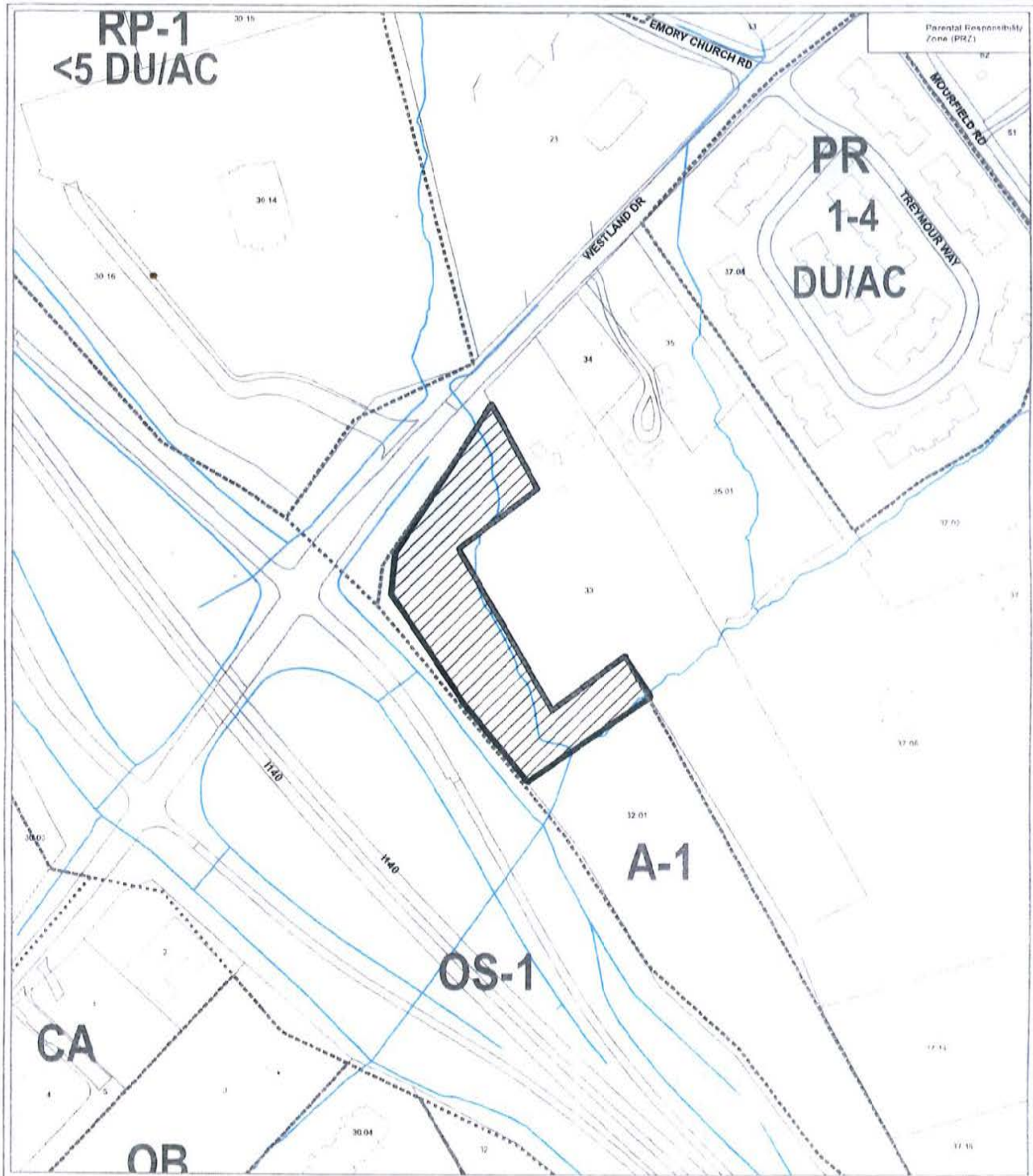
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Simply because the community made an effort to properly accommodate a benign commercial use is not a reason to open up this area to unlimited commercial uses. The plan amendment and to GC Commercial and the C-4 rezoning should be denied.

Sharon Boyce and Jack Woodall



**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





Draft Minutes

October 11, 2018

1:30 P.M. ♦ Small Assembly Room ♦ City County Building

The Metropolitan Planning Commission met in regular session on OCTOBER 11, 2018 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee.

Members:

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

- | | |
|-----------------------|-------------------------------|
| Ms. Tamara Boyer | Mr. Richard Graf |
| Mr. Louis Browning | Mr. Charles F. Lomax, Jr |
| Ms. Gayle Bustin | Mr. Chris Ooten |
| Mr. Art Clancy | Mr. Patrick Phillips |
| Mr. Mike Crowder | Mr. Jeff Roth |
| A Ms. Elizabeth Eason | Mr. Scott Smith |
| Mr. Mac Goodwin | Mr. Charles Thomas |
| | Ms. Janice Tocher, Vice Chair |

* Arrived late to the meeting. ** Left early in the meeting

A – Absent from the meeting

Agenda Item No.

MPC File No.

38. LECONTE HOLDINGS

Southeast side Westland Dr., northeast side I-140, Council District 2.

a. Southwest County Sector Plan 10-A-18-SP

Southwest County Sector Plan Amendment from LDR (Low Density Residential) to GC (General Commercial).

STAFF RECOMMENDATION: RECOMMEND City Council APPROVE GC (General Commercial) designation.

MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 12-2 (No Phillips, Bustin). APPROVE.

b. One Year Plan Amendment

10-A-18-PA

From LDR (Low Density Residential) to GC (General Commercial).

STAFF RECOMMENDATION: RECOMMEND City Council APPROVE GC (General Commercial) designation.

MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 12-2. (No Phillips, Bustin). APPROVE.

c. Rezoning

10-B-18-RZ

From A-1 (General Agricultural) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: RECOMMEND City Council APPROVE C-4 (Highway and Arterial Commercial) zoning.

MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 12-2 (No Phillips, Bustin). APPROVE.

M P CMETROPOLITAN
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.knoxmpo.org**PLAN AMENDMENT**

Date Filed: 11/19/2018

Name of Applicant: CITY COUNCIL / LECONTE HOLDINGS, LLC.

Meeting Date: 1/10/2019

Application Accepted By: Jeff Archer

Rezoning File Number: **10-A-18-PA 10-B-18-RZ**

Plan Amendment File Number: 1-B-19-SP

PROPERTY INFORMATION**Street Address:**

9608 Westland Dr

General Location:

Southeast side of Westland Dr., northeast side of I-140

Tract Size: 2.4 acres**Parcel ID:** 144 03201**Existing Land Use:**

Vacant Land

Planning Sector: Southwest County**Growth Plan:** Urban Growth Area (Inside City Limits)**Census Tract(s):** 57.11**Traffic Zone(s):** 232**Jurisdiction:** City Council District 2**PROPERTY OWNER/OPTION HOLDER**

Knoxville City Council / Laconte, LLC.

400 Main St

Knoxville, TN

Telephone: 865-215-2075 Fax:

Email:

APPLICATION CORRESPONDENCE*All correspondence relating to this application should be sent to:*

Knoxville City Council / Laconte, LLC.

400 Main St

Knoxville, TN

Telephone: 865-215-2075 Fax:

Email:

APPROVAL REQUESTED

Rezoning

Plan Amendment**Type:** Southwest County Sector Plan Amendment**FROM:**

LDR (Low Density Residential)

TO:

O (Office)

APPLICATION AUTHORIZATION*I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.***Signature:** 

Knoxville City Council / Laconte, LLC.

400 Main St

Knoxville, TN

Telephone: 865-215-2075 Fax:

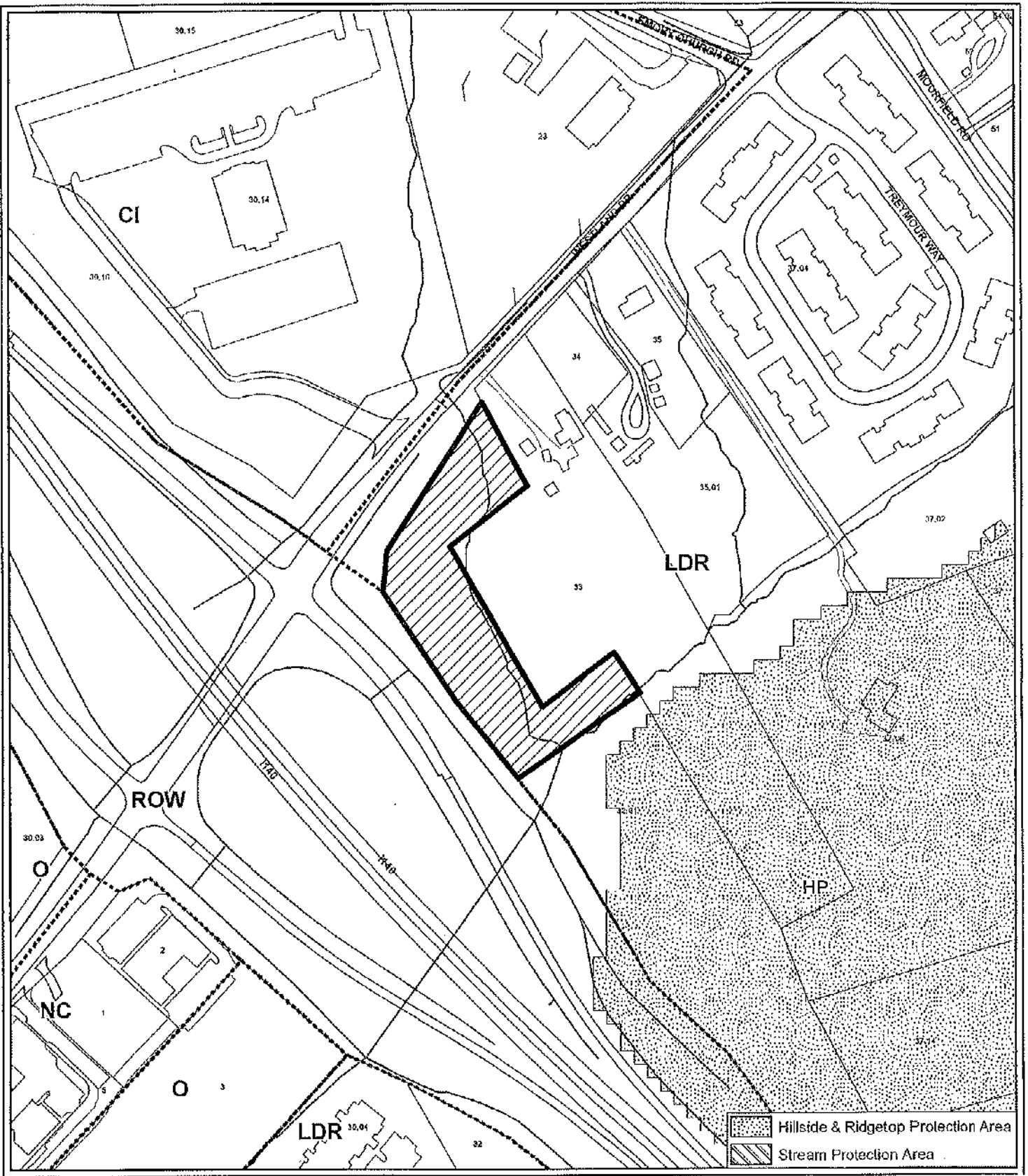
Email:



PROPOSED USE OF PROPERTY

Storage Facility

Density Proposed:**Previous Rezoning Requests:**

Recent case immediately east of parcel (7-C-18-SP)



-  Hillside & Ridgetop Protection Area
-  Stream Protection Area

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

REZONING PLAN AMENDMENT

Name of Applicant: LeConte Holdings

Date Filed: 8-23/18

Meeting Date: 10/11/18

Application Accepted by: M. Payne

10-A-18-ST

Fee Amount: \$1000.00

File Number: Rezoning 10-B-18-RZ

Fee Amount: 600.00

File Number: Plan Amendment 10-A-18-PA



PROPERTY INFORMATION

Address: 9608 Westland Drive

General Location: 3/5 Westland Drive
7/5 Pellissippi Parkway

Parcel ID Number(s): 144 03201

Tract Size: 2.4 ac +/-

Existing Land Use: Vacant

Planning Sector: Southwest County

Growth Policy Plan: Planned

Census Tract: 57.11

Traffic Zone: 232

Jurisdiction: City Council 2nd District

County Commission _____ District

Requested Change

REZONING

FROM: A-1

TO: C-4

PLAN AMENDMENT

One Year Plan Southwest County Sector Plan

FROM: LDR

TO: GC

PROPOSED USE OF PROPERTY

Self Storage Facility

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: LeConte Holdings LLC

Company: Dean Preston Smith

Address: 7011 Lawford Road

City: Knoxville State: TN Zip: 37919

Telephone: 865-548-7647

Fax: _____

E-mail: dpsmith@pottymd.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: D. Preston Smith

Company: LeConte Holdings LLC

Address: 7011 Lawford

City: Knoxville State: TN Zip: 37919

Telephone: 865-548-7647

Fax: _____

E-mail: dpsmith@pottymd.com

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: see next page

PLEASE PRINT

Name: Same as above

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

E-mail: _____

KNOXVILLE-KNOX COUNTY
MPC
 METROPOLITAN
 PLANNING
 COMMISSION
7-ENN-1-5-3-1-1
 Suite 408 • City County Building
 400 Main Street
 Knoxville, Tennessee 37902
 865 • 215 • 2600
 FAX • 215 • 2068
 www.knoxmpc.org

REZONING **PLAN AMENDMENT**

Name of Applicant: Le Conte Holdings
 Date Filed: 8-23/18 Meeting Date: 10/11/18
 Application Accepted by: M. Payne
 Fee Amount: \$1000.00 File Number: Rezoning 10-B-18-RZ
 Fee Amount: 800.00 File Number: Plan Amendment 10-A-18-PA



PROPERTY INFORMATION

Address: 91003 Westland Drive
 General Location: 1/2 Westland Drive
1/2 Pellissippi Parkway
 Parcel ID Number(s): 144 03201
 Tract Size: 2.4 ac +/-
 Existing Land Use: Vacant
 Planning Sector: Southwest County
 Growth Policy Plan: Planned
 Census Tract: 57.11
 Traffic Zone: 232
 Jurisdiction: City Council 2nd District
 County Commission _____ District

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT
 Name: Le Conte Holdings LLC
 Company: Deun Preston Smith
 Address: 7011 Lawford Road
 City: Knoxville State: TN Zip: 37919
 Telephone: 865-548-7647
 Fax: _____
 E-mail: dpsmith@pottymd.com

Requested Change

REZONING

FROM: A-1
 TO: C-4

PLAN AMENDMENT

One Year Plan Southwest County Sector Plan

FROM: LDR
 TO: GC

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT
 Name: D. Preston Smith
 Company: Le Conte Holdings LLC
 Address: 7011 Lawford
 City: Knoxville State: TN Zip: 37919
 Telephone: 865-548-7647
 Fax: _____
 E-mail: dpsmith@pottymd.com

PROPOSED USE OF PROPERTY

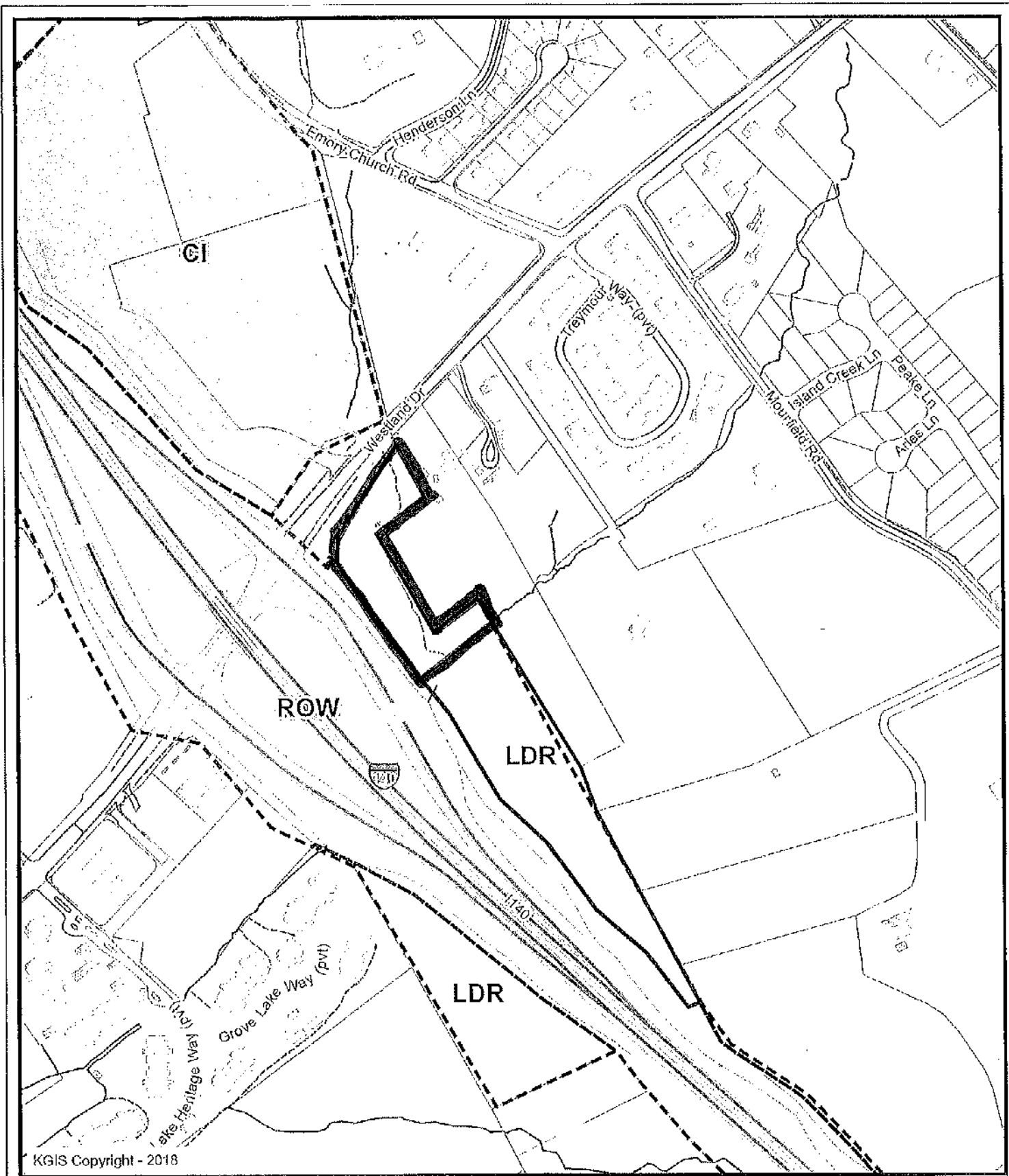
Self Storage Facility

Density Proposed _____ Units/Acre
 Previous Rezoning Requests: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: D. Preston Smith
 PLEASE PRINT
 Name: Same as above
 Company: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 E-mail: _____



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Letter Portrait

Printed: 8/23/2018 at 4:46:33 PM

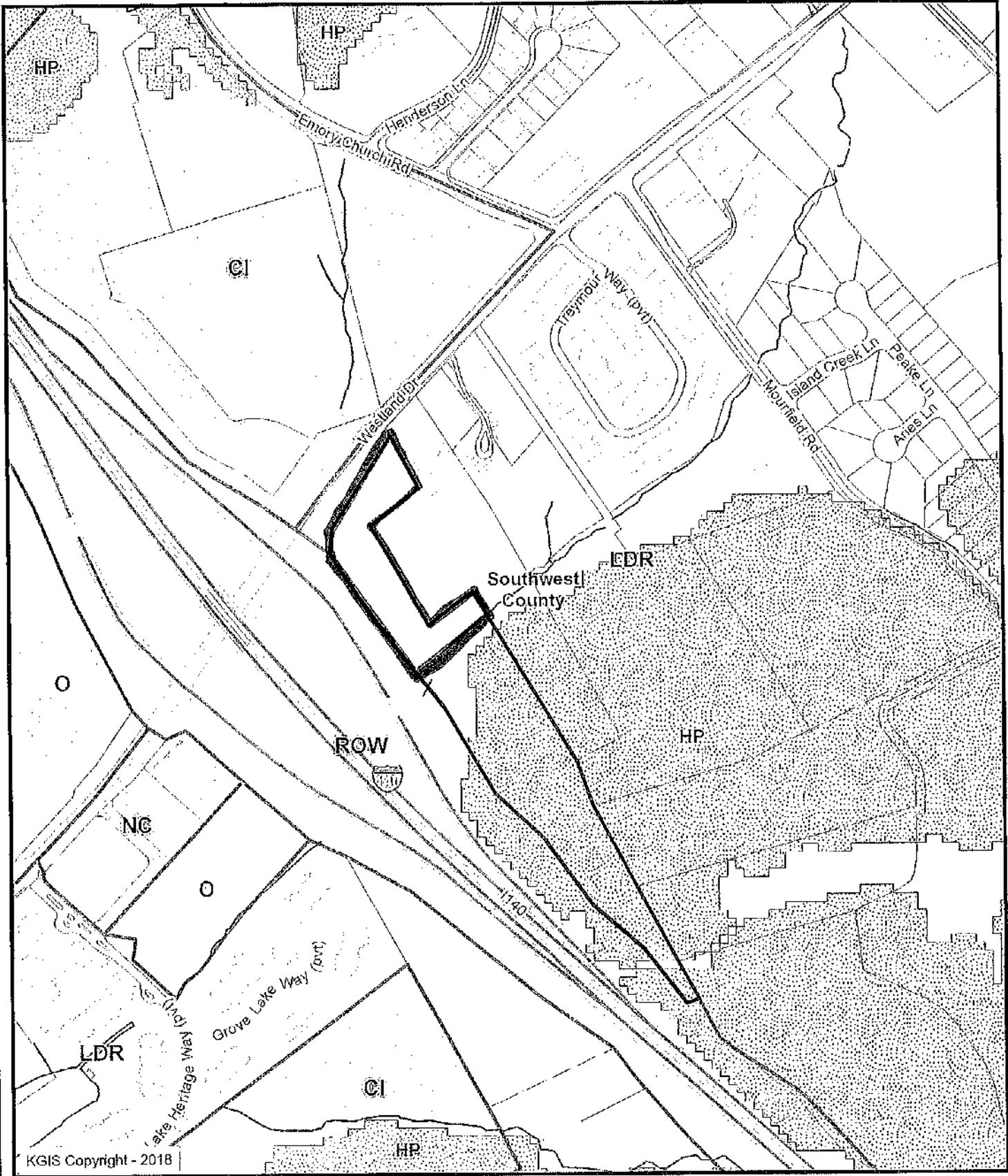


Knoxville - Knox County - KUB Geographic Information System

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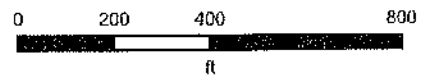
MPG October 11, 2018

Agenda Item #38



Letter Portrait

Printed: 8/23/2018 at 4:46:05 PM

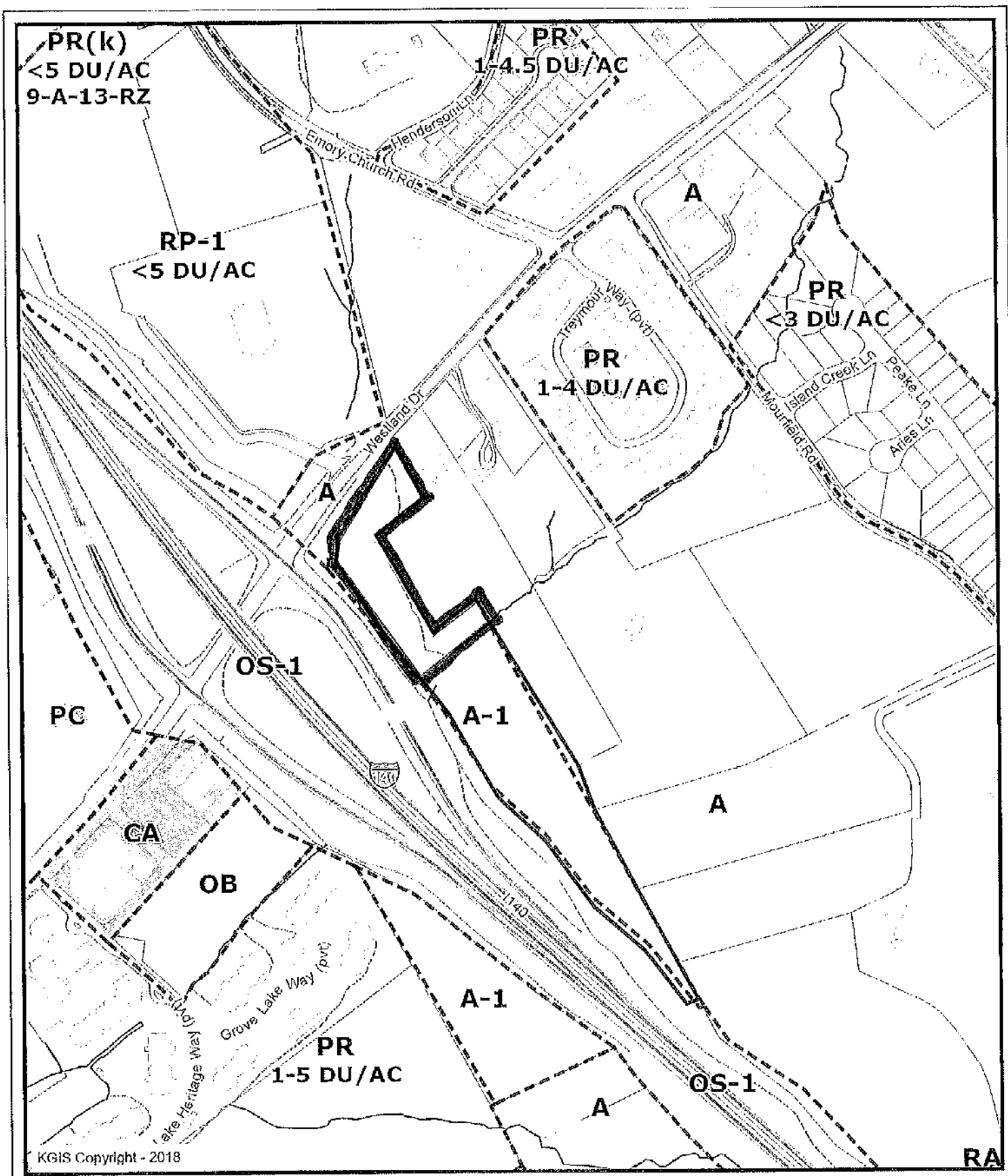


Knoxville - Knox County - KUB Geographic Information System

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MPC October 11, 2018

Agenda Item #38



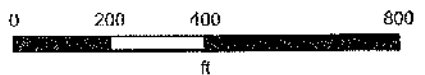
KGIS Copyright - 2018

RA

Letter Portrait



Printed: 0/23/2016 at 4:47:03 PM



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MPC October 11, 2018

Agenda Item #38

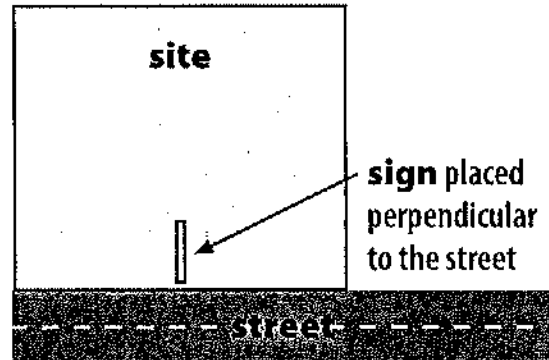
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

Sept 26, 2018 and Oct 12th, 2018
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: _____

Printed Name: _____

Phone: _____

Email: _____

Date: _____

MPC File Number: _____

Sales Rep: Karol Kangas (N7103)

Phone: (239) 263-4710

Email: karol.kangas@naplesnews.com

> Account Information

Date: 10/03/18
Account Number: 237952 (KC03787)
Company Name: MET. PLAN. COMM.
Contact Name:
Email: tina.piatt@knoxmpc.org
Address: 400 MAIN AVENUE SU 403, KNOXVILLE, TN, 37902
Phone: (865) 215-2506 Fax: 2152068

> Insertion Information

This is a proof of your ad scheduled to run on the dates indicated below.
Please placement prior to deadline by contacting your account rep at (239) 263-4710 .
Ad Id: 2133117 P.O. Number: Total Cost: \$112.32
Tag Line: 11/06 City Council Mtg
Start Date: 10/05/18 Stop Date: 10/05/18
Number of Times: 1 Class: 16250 - Public Notices
Publications: KN-Knoxville News Sentinel, KN-Internet - knoxnews.com

> Ad Proof

I agree this ad is accurate and as ordered.

PUBLIC NOTICE

The following plan amendment and rezoning items may be considered by the Knoxville City Council on November 6, 2018, at 6:00 p.m. in the Main Assembly Room, City County Bldg., 400 Main St., Knoxville, TN. MPC will hear these items on October 11, 2018 and make recommendations. These may be seen in MPC's office, Fourth Fl. of the City County Bldg., 400 Main St., Knoxville, TN. If you need assistance or accommodation for a disability, please contact the City ADA coordinator at 215-2104.

Plan Amendments/Rezoning

191 IV TIMBERLINE COMMONS VENTURE LLC - East side Twelfth Street, north of Highland Avenue, south of Forest Avenue., Council District 1, Central City Sector Plan Amendment from MDR (Medium Density Residential) to C (Commercial), One Year Plan Amendment from MDR (Medium Density Residential) to GC (General Commercial), and Rezoning From R-3 (High Density Residential) / NC-1 (Neighborhood Conservation Overlay) to C-3 (General Commercial) / NC-1 (Neighborhood Conservation Overlay).

LECONTE HOLDINGS - Southeast side Westland Dr., northeast side I-140, Council District 2, Southwest County Sector Plan from LDR (Low Density Residential) to GC (General Commercial), One Year Plan Amendment from LDR (Low Density Residential) to GC (General Commercial), and Rezoning from A-1 (General Agricultural) to C-4 (Highway and Arterial Commercial).

FRANK SPARKMAN - South side Midland Avenue, at Dryad Street, Council District 2, West City Sector Plan Amendment from MDR (Medium Density Residential) to O (Office), One Year Plan Amendment from MDR (Medium Density Residential) to O (Office), and Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services).

Thank you for your business. Our commitment to a quality product includes the advertising in our publications. As such, Gannett reserves the right to categorize, edit and refuse certain classified ads. Your satisfaction is important. If you notice errors in your ad, please notify the classified department immediately so that we can make corrections before the second print date. The number to call is 865-637-4111. Allowance may not be made for errors reported past the second print date. The Knoxville News Sentinel may not issue refunds for classified advertising purchased in a package rate; ads purchased on the open rate may be pro-rated for the remaining full days for which the ad did not run.

Sales Rep: Merelda Cardenas (N9103)

Phone:

Email:

> Account Information

Date: 10/17/18

Account Number: 237952 (KC03787)

Company Name: MET. PLAN. COMM.

Contact Name:

Email: tina.piatt@knoxmpc.org

Address: 400 MAIN AVENUE SU 403, KNOXVILLE, TN, 37902

Phone: (865) 215-2694

Fax: 2152068

> Insertion Information

This is a proof of your ad scheduled to run on the dates indicated below.

Please placement prior to deadline by contacting your account rep at .

Ad Id: 2144093 P.O. Number: Total Cost: \$261.36

Tag Line: PUBLIC NOTICE The following items sh

Start Date: 10/19/18

Stop Date: 10/19/18

Number of Times: 1

Class: 16250 - Public Notices

Publications: KN-Knoxville News Sentinel, KN-Internet - knoxnews.com

> Ad Proof

I agree this ad is accurate and as ordered.

PUBLIC NOTICE

The following items shall be considered by the Knoxville City Council on November 6, 2018, at 6:00 p.m. in the Main Assembly Room, City County Building, 400 Main Street, Knoxville TN. These may be seen in MPC's office, Fourth Fl. of the City County Bldg., Main St., Knoxville, TN. If you need assistance or accommodation for a disability, please contact the City ADA coordinator at 215-2104.

Street and Alley Closures

DAY SPRING CHRISTIAN ACADEMY - Request closure of Unnamed alley between McSpadden Street and Sunrise Street, Council District 6. MPC Recommendation: Approve subject to any required easements.

CITY OF KNOXVILLE - Request closure of Unnamed alley between Northeast corner of Lot 209 of Block 13 of West Lonsdale Addition (Tax Parcel 093ED00102) and North line of Azalea Ave. (Closed previously by City Ordinance O-50-89), Council District 3. MPC Recommendation: Approve subject to any required easements.

CITY OF KNOXVILLE - Request closure of Honeysuckle Ave between Clifton Road and Unnamed alley bounded on the north by Primrose Ave. and bounded on the south by Pansy Ave., Council District 3. MPC Recommendation: Approve subject to any required easements.

CITY OF KNOXVILLE - Request closure of Primrose Ave between Clifton Road and Chillicothe Street, Council District 3. MPC Recommendation: Approve subject to any required easements.

CITY OF KNOXVILLE - Request closure of Violet Ave between Clifton Road and Chillicothe Street, Council District 3. MPC Recommendation: Approve subject to any required easements.

CITY OF KNOXVILLE - Request closure of Pansy Ave between Clifton Road and Chillicothe Street, Council District 3. MPC Recommendation: Approve subject to any required easements.

CITY OF KNOXVILLE - Request clo-

sure of Canna Ave between Clifton Road and Chillicothe Street, Council District 3. MPC Recommendation: Approve subject to any required easements.

Plan Amendments/Rezoning

LECONTE HOLDINGS - Southeast side Westland Dr., northeast side I-140, Council District 2. Southwest County Sector Plan Amendment from LDR (Low Density Residential) to GC (General Commercial), One Year Plan Amendment from LDR (Low Density Residential) to GC (General Commercial) and Rezoning from A-1 (General Agricultural) to C-4 (Highway and Arterial Commercial). MPC Action: Approve GC for both plan amendments and C-4 zoning.

FRANK SPARKMAN - South side Midland Avenue, at Dryad Street, Council District 2. West City Sector Plan Amendment from MDR (Medium Density Residential) to O (Office), One Year Plan Amendment from MDR (Medium Density Residential) to O (Office) and rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services). MPC Action: Approve O for both plan amendments and O-1 zoning.

MICHELLE MOKRY - East side N. Broadway, south of Central St., Council District 6. Rezoning from C-3 (General Commercial) to C-2 (Central Business District). MPC Recommendation: Approve C-2 zoning subject to 1 condition.

BENCHMARK ASSOCIATES, INC. - Northwest side Cedar Ln., southwest of Haynes-Sterchi Rd., Council District 5. Rezoning from O-1 (Office, Medical, and Related Services) with conditions to O-1 (Office, Medical, and Related Services) without conditions. MPC Recommendation: Approve O-1 zoning with no conditions.

Appeal of Decision

Appeal by Arthur G. Seymour, Jr. of the Board of Zoning Appeals decision to deny that 7621 Kingston Pike is not

adjacent to the interstate. Property located 7621 Kingston Pike, application #BZ7M18VA. Council District 2.

Appeal of Decision

Appeal by Arthur G. Seymour, Jr. of the Board of Zoning Appeals decision to deny an increase in height from 45' to 81'-3" for a new hotel to be located at 9101 Executive Park Drive, application #BZ09B18VA. Council District 2.

Thank you for your business. Our commitment to a quality product includes the advertising in our publications. As such, Gannett reserves the right to categorize, edit and refuse certain classified ads. Your satisfaction is important. If you notice errors in your ad, please notify the classified department immediately so that we can make corrections before the second print date. The number to call is 865-637-4111. Allowance may not be made for errors reported past the second print date. The Knoxville News Sentinel may not issue refunds for classified advertising purchased in a package rate; ads purchased on the open rate may be pro-rated for the remaining full days for which the ad did not run.

November 1, 2018

Knoxville City Council

Agenda Date: November 6, 2018

Request of LeConte Holdings, Preston Smith, for a Plan Amendment from Low Density Residential (LDR) to General Commercial (GC) and Commercial Rezoning (C-4) for 2.4 acres located at 9608 Westland Drive (Property), #10-A-18-SP, #10-B-18-RZ, #10-A-18-PA

We oppose the request to amend the City of Knoxville One-Year Plan and the Southwest Sector Plan from LDR to the GC and change the zoning from A-1 to C-4 for property located at 9608 Westland Drive on the southeast side of the Pellissippi Parkway and Westland Drive.¹ We live at 9520 Westland Drive to the rear and east of the Property. We have lived here since 1977.

Westland Drive/Pellissippi Parkway Development

The Property was annexed into the City of Knoxville in 2000. Two properties opposite, on the north side of Westland Drive, are located within the City limits. They are Shoreline Church and Morning Pointe, an assisted living center under construction. Both are low impact uses and generate minimal traffic. They have access not only from Westland Drive but also from Emory Church Road. Further to the east on the north side of Westland Drive is West Emory Presbyterian Church and its cemetery.

On the southwest side of Westland Drive and on the opposite side of the Pellissippi Parkway is an office complex and a Weigel's. On the northwest side are two Childrens Hospital clinics. Weigel's is the only commercial use at this intersection. Weigel's is on a 1.3 acre tract (about 230' x 230') with direct access to Westland Drive and located approximately 400 feet from the Parkway ramp. It also has access to local driveways on three sides.² The plan for the Pellissippi Parkway development placed commercial development at Kingston Pike and Northshore Drive, both of which have been developed accordingly.

Preston Smith's property is a C-shaped remnant of the construction of Pellissippi Parkway. The upper section of the C fronting Westland Drive is about 100 feet wide. The section next to the Pellissippi Parkway is about 150 feet wide. See Exh. 1. The C-4 front yard setbacks are 50 feet. At the rear of the requested GC/C-4 zoning, the Property adjoins a stream that runs parallel to Westland Drive. A second creek crosses the Property and runs along the eastern side.³ The City requires thirty foot buffers from the banks on both sides of a blue line stream which will limit development of this Property.

¹ Exhibit 1 – Preston Smith Plan Amendment Request Map

² Exhibit 2 - KGIS Property Map and Details 9700 and 9710 Westland Drive

³ Exhibit 3 – TDEC Jurisdictional Waters Determination 9608 Westland Drive

The Pellissippi Parkway/Westland Drive interchange is a diamond interchange. While most of Westland Drive from Ebenezer Road west to the Pellissippi Parkway has turn lanes, the section of Westland Drive immediately east of Pellissippi Parkway is limited to two lanes due to the West Emory Presbyterian Church cemetery on the north side and power lines and the sidewalk on the south side.

The Westland Drive area is predominately residential, with a mix of single family homes and apartments. It does not have the building height, lighting, signage, traffic and noise associated with intensive commercial uses.⁴

Westland Drive Traffic

As of 2016, the traffic count for Westland Drive near Lotts Elementary School was 11,480 vehicles per day. Westland Cove apartments under construction on nearby Emory Church Road will generate an additional 2,100 trips per day. Two new, completed subdivisions, Westland Gardens and Beals Creek, add 1100 vehicles per day. Additional traffic is projected from a new Westland Drive subdivision under construction, Westland Oaks, at 747 vehicles per day, and from an apartment complex approved on Ebenezer Road at Westland Drive which will generate 2,724 vehicles per day. These recent developments total an additional 6700 trips per day. To prevent future accidents and congestion at this interchange, this Property with access directly at the interchange should be developed only with a use that generates a low traffic use.

Office Zoning and Commercial Self-Service Storage Facility

Craig Allen requested an amendment to the Southwest Sector Plan to Office Classification (O) and General Commercial (GC) and rezoning from A to OA and GC on two properties at 9532 and 9600 Westland Drive adjacent to and east of the Preston Smith property. Knox County Commission approved 1.3 acres of OA office zoning for all the Allen property fronting on Westland Drive, approximately 250 feet at the front and 240 feet in depth. Knox County Commission did not approve any commercial zoning fronting on Westland Drive. It approved GC commercial zoning for a one story, self-service storage facility to be located to the rear of the OA zone, a use with low traffic volume and a low impact on the community. Craig Allen filed a copy of deed restrictions with his zoning application with MPC to show this purpose and on October 29, 2018, he filed a use on review with MPC for a one story, self-service storage facility for the back of the property.⁵ This self-service storage facility will be compatible with the neighborhood because of the limited height, lower traffic, lack of noise, and restricted lights and signs.

⁴ Exhibit 4 – Westland Pellissippi Parkway Sector Plan Map

⁵ Exhibit 5 – Craig Allen Use on Review Request

MPC Did Not Meet the Requirements to Amend to the One-Year Plan.

Preston Smith has applied for a GC amendment to the City of Knoxville One-Year Plan and for C-4 zoning for the Property between the blue line streams, Pellissippi Parkway and Westland Drive. If the GC and C-4 zone are approved, the applicant is free to construct any use found in the C-4 zone, most without a Use on Review.

The MPC incorrectly approved a City of Knoxville One Year Plan amendment for a General Commercial Category for this Property. The One-Year Plan allows a plan change only under limited circumstances and requires a study for the plan change.⁶ MPC made no study for the plan change. MPC's basis for the one-year plan amendment was a statement that "Public policy has recently shifted with a recent amendment to the Southwest County Sector Plan that placed a commercial land use designation abutting this property."⁷ MPC failed to distinguish between the Office zone approved by Knox County Commission at the front of the adjacent properties and the Commercial zone in the rear of those properties from the Preston Smith's request to zone the entire Property to C-4 at the interchange.

The One-Year Plan requires that the study done for the plan change make "[a]n evaluation of all possible alternative plan designations for the area." The critical alternative not considered by MPC was a plan amendment to a less intensive Office category, like the Office classification approved for adjacent properties to the east. MPC Commissioner Patrick Phillips voted against the plan change for this Property, stating that a broader study was required to support a plan change.

This Property Does Not Meet the Requirements of the City of Knoxville One Year Plan for a GC Category designation.

Requirements for a City of Knoxville One Year Plan GC Category designation are:

- A. GENERAL COMMERCIAL (GC): This class provides locations for retail, service commercial, and a limited range of wholesale and warehousing activities and is generally intended to provide a full range of goods and services at the community or regional scale.
1. Commercial sites should be relatively flat, regular in shape, and of sufficient size.
 2. Locate commercial activities on arterial and collector streets; however, their placement should not significantly reduce the proper functioning of the transportation system.
 3. Commercial sites should be easily served by utilities and other support services.
 4. Commercial sites should be compatible with adjacent land uses.
 5. Control linear commercial development to prevent traffic congestion and commercial encroachment into residential areas.

⁶ Exhibit 6 - City of Knoxville One-Year Plan Amendment Requirements

⁷ Exhibit 7 – MPC Plan Amendment Report

- a. New linear development should be permitted only on arterials where it is compatible with road design and adjacent land use.
- b. Redesign existing linear development to improve its functioning, especially in coordination with street improvements.
- c. Only commercial uses requiring high accessibility or otherwise unsuited to “cluster” type development should be allowed to locate in a linear fashion.⁸
(Emphasis added)

Preston Smith’s land is neither regular in shape nor of sufficient size to support this designation. With this designation, the probable commercial uses next to the Pellissippi ramp will significantly reduce the proper functioning of the transportation system. The adjoining less intensive Office zone fronting on Westland Drive and a limited self-service storage facility behind the Office zone does not justify a Commercial Category and an intense C-4 zone at this location. The Commercial Category and C-4 zone is not compatible with adjacent land uses. There are no other commercial uses except for the Weigel’s fronting on Westland Drive in this area. MPC did not address any of these issues or make a study of them.

While this Property meets the requirements for an Office category, this Property does not meet the requirements for a GC land use category under the City of Knoxville One-Year Plan.

This Property Does Not Meet the Requirements for a Change from A-1 to C-4 Zoning.

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 in a congested interstate interchange with a diamond design and limited traffic lanes.⁹

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. 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 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

⁸ Exhibit 8 - City of Knoxville One Year Plan Land Use Category Requirements

⁹ Exhibit 9 – Knoxville Zoning Ordinance C-4 Zone

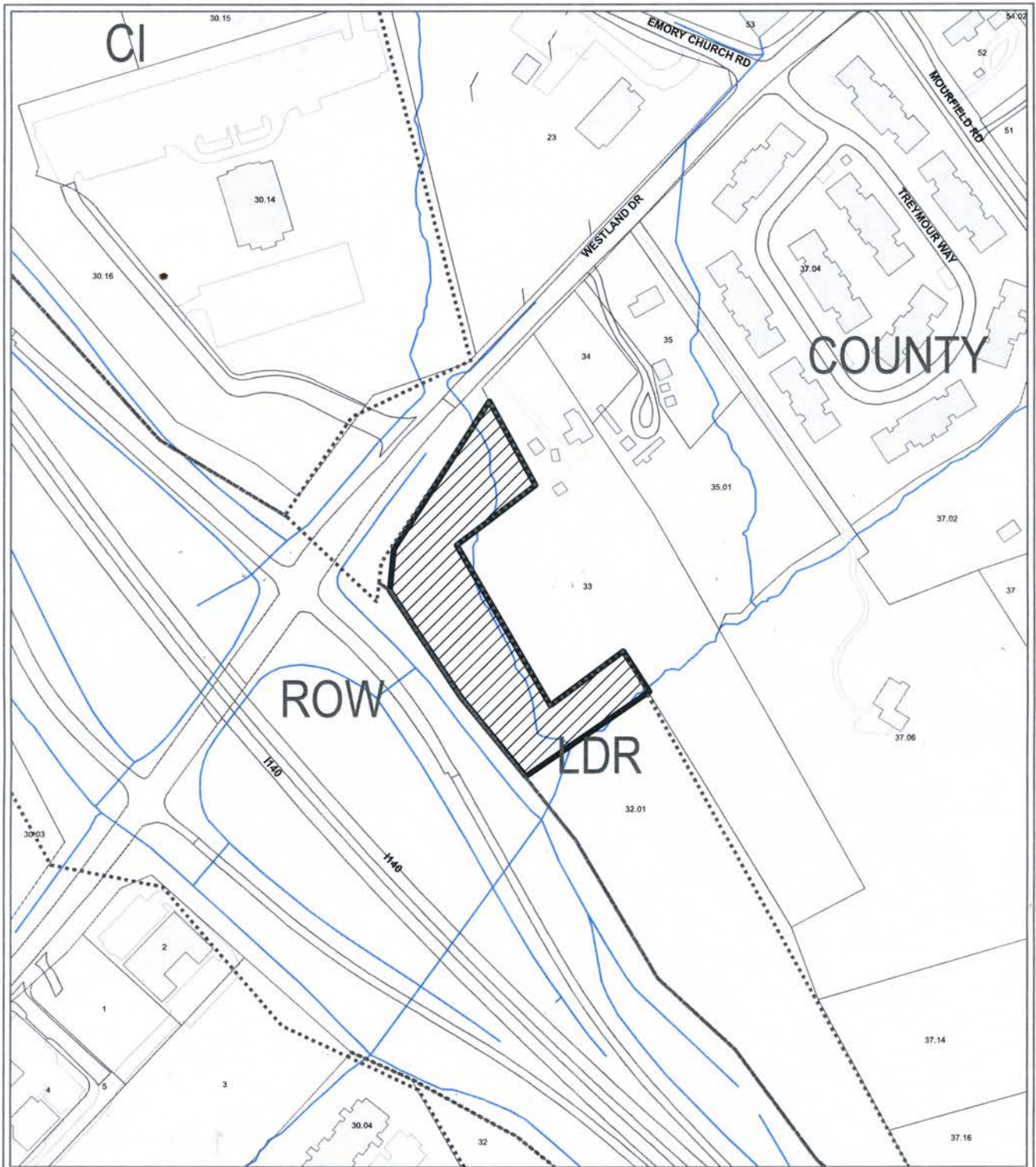
development where access is entirely dependent on motor vehicle trade; to provide the orderly development and concentration of highway and arterial commercial uses at appropriate locations; and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses in the vicinity. (Emphasis added)

C-4 uses that do not require a use on review include 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. None of these uses are consistent with the three churches, assisted living facility, Children's Hospital and office building around this interchange.

A GC category designation and C-4 is not appropriate for this Property. The Property should receive an Office category designation and Office Zoning.

Jack Woodall and Sharon Boyce
9520 Westland Drive
Knoxville, TN 37922
ajwoodal@gmail.com
865 690-1125

Wayne Kline
Hodges, Doughty, and Carson
617 Main Street
Knoxville, TN 37901
865-292-2307
Attorney for Westland West Community
Association



**10-A-18-PA / 10-B-18-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential)

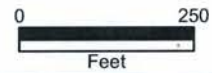
To: GC (General Commercial)



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

Petitioner: LeConte Holdings

Map No: 144
Jurisdiction: City

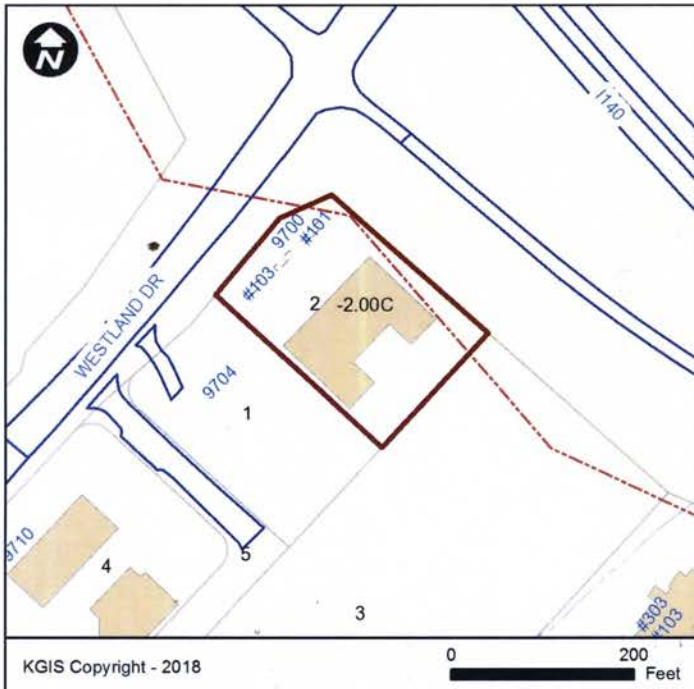


MPC October 11, 2018

Agenda Item #38

EXHIBIT 1

9700 WESTLAND DR - Property Map and Details Report



Property Information

| | |
|-------------------|--|
| Parcel ID: | 1440A002 |
| Location Address: | 9700 WESTLAND DR |
| CLT Map: | 144 |
| Insert: | 0 |
| Group: | A |
| Condo Letter: | |
| Parcel: | 2 |
| Parcel Type: | |
| District: | W6 |
| Ward: | |
| City Block: | |
| Subdivision: | THE OFFICE SUITES AT HERITAGE LAKE COMMON AREA |
| Rec. Acreage: | 0 |
| Calc. Acreage: | 0 |
| Recorded Plat: | 20050203 - 0061578 |
| Recorded Deed: | 2130 - 429 |
| Deed Type: | Deed:Special Wa |
| Deed Date: | 1/31/1994 |

Address Information

Site Address: 9700 WESTLAND DR
KNOXVILLE - 37922

Address Type: COMMON AREA

Site Name:

Owner Information

SMITH OLIVER A ETAL TRUSTEES
7216 STE 1 WELLINGTON DR
KNOXVILLE, TN 37919

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County: KNOX COUNTY

City / Township:

MPC Information

Census Tract: 57.08

Planning Sector: Southwest County

Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts

Voting Precinct: 65E

Voting Location: Shoreline Church
9635 WESTLAND DR

TN State House: 14 Jason Zachary

TN State Senate: 6 Becky Duncan Massey

County Commission: 5 John Schoonmaker

School Zones

Elementary: NORTSHORE ELEMENTARY

Intermediate:

Middle: WEST VALLEY MIDDLE

High: BEARDEN HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

City Council:

School Board: 5 Susan Horn

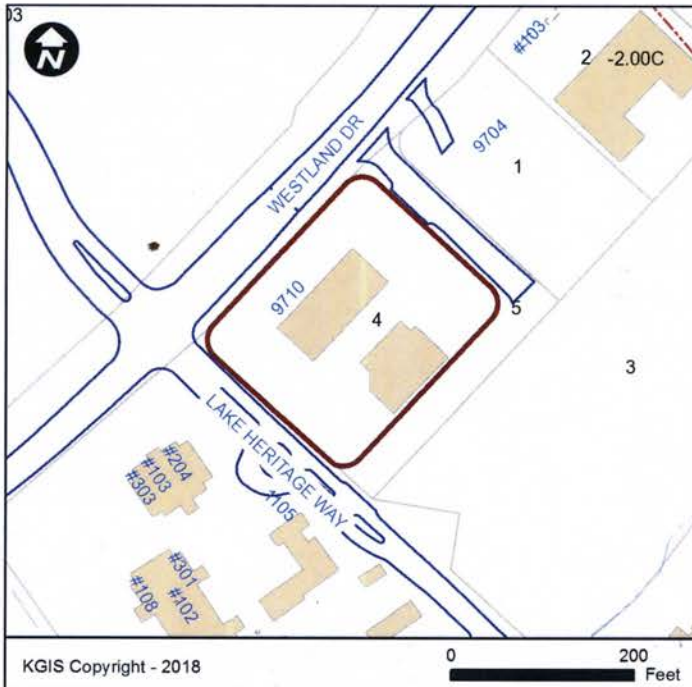
Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

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Exhibit 2

9710 WESTLAND DR - Property Map and Details Report



Property Information

| | |
|-------------------|---------------------------|
| Parcel ID: | 1440A004 |
| Location Address: | 9710 WESTLAND DR |
| CLT Map: | 144 |
| Insert: | 0 |
| Group: | A |
| Condo Letter: | |
| Parcel: | 4 |
| Parcel Type: | |
| District: | W6 |
| Ward: | |
| City Block: | |
| Subdivision: | HERITAGE LAKE OFFICE PARK |
| Rec. Acreage: | 1.3 |
| Calc. Acreage: | 0 |
| Recorded Plat: | 20040426 - 0098072 |
| Recorded Deed: | 2130 - 429 |
| Deed Type: | Deed:Special Wa |
| Deed Date: | 1/31/1994 |

Address Information

| | |
|---------------|---------------------------------------|
| Site Address: | 9710 WESTLAND DR KNOXVILLE - 37922 |
| Address Type: | BUSINESS |
| Site Name: | WEIGELS FARM STORES |

Jurisdiction Information

| | |
|------------------|-------------|
| County: | KNOX COUNTY |
| City / Township: | |

Political Districts

| | |
|--------------------|--------------------------------------|
| Voting Precinct: | 65E |
| Voting Location: | Shoreline Church 9635 WESTLAND DR |
| TN State House: | 14 Jason Zachary |
| TN State Senate: | 6 Becky Duncan Massey |
| County Commission: | 5 John Schoonmaker |

City Council:

School Board: 5 Susan Horn

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

Owner Information

SMITH OLIVER A ETAL TRUSTEES LSD TO WEIGELS
7216 STE 1 WELLINGTON DR
KNOXVILLE, TN 37919

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

MPC Information

| | |
|------------------|------------------|
| Census Tract: | 57.08 |
| Planning Sector: | Southwest County |

Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

School Zones

| | |
|---------------|-----------------------|
| Elementary: | NORTHSHORE ELEMENTARY |
| Intermediate: | |
| Middle: | WEST VALLEY MIDDLE |
| High: | BEARDEN HIGH |

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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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>

EXHIBIT 3

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.

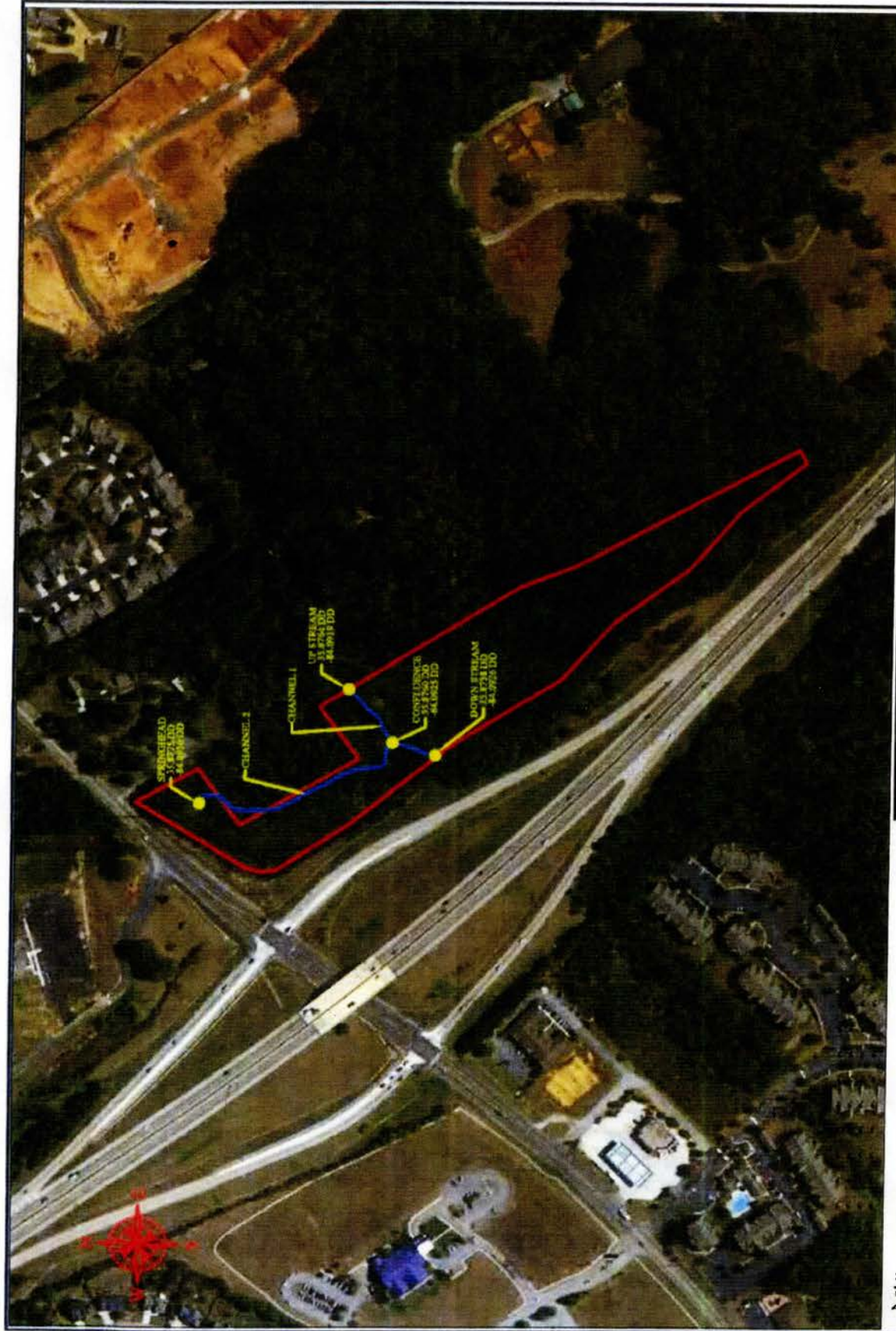
Sincerely,



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:

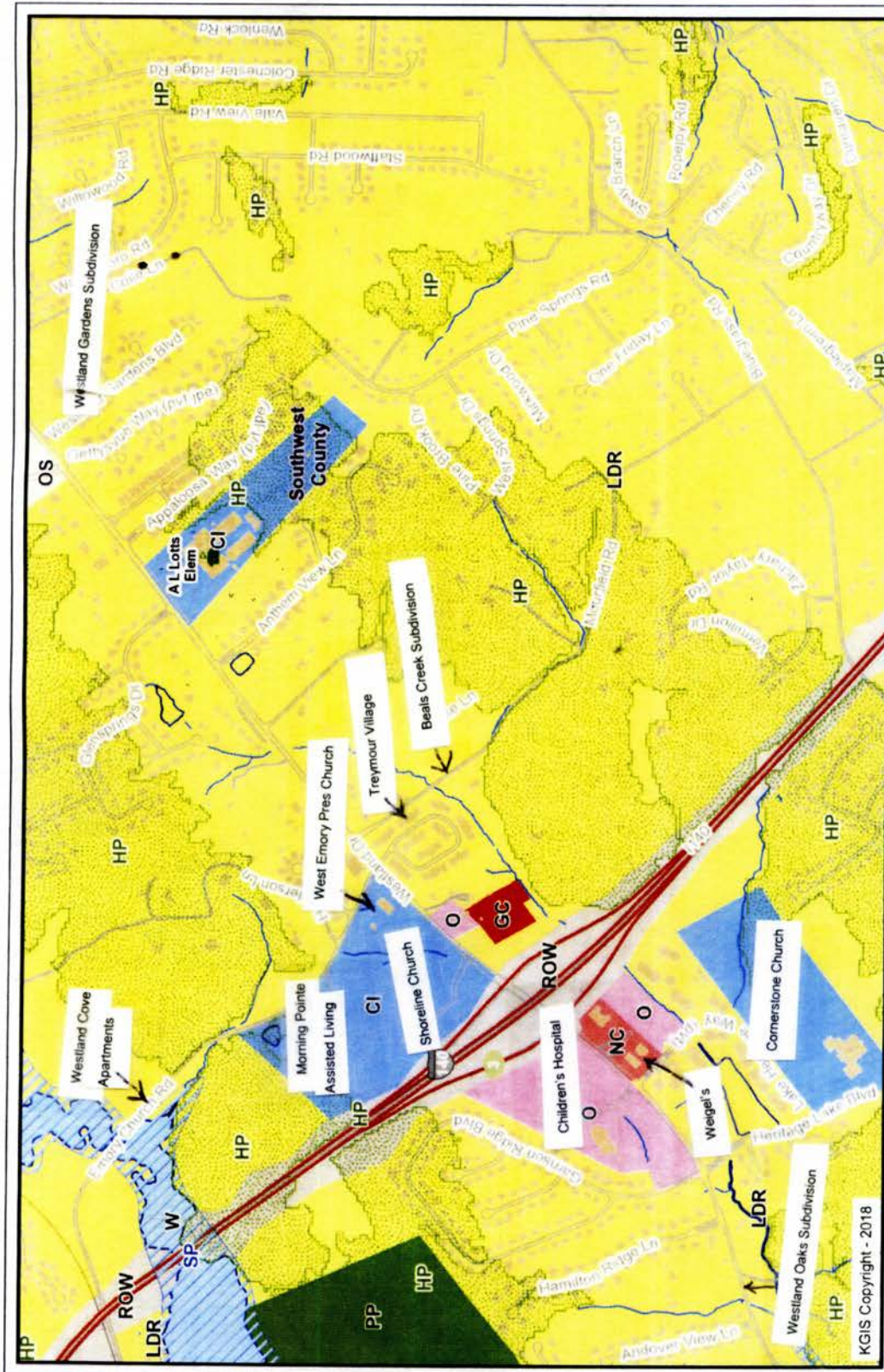
Site boundary and features shown are approximate only.
 Drawing composed from field notes and observations only.
 — Subject Property.

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

GEOS
 GEOTECHNICAL, LLP
 GEOTECHNICAL AND SURVEYING ENGINEERS
 2000 W. 10th St., Suite 200
 Knoxville, Tennessee 37918

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

JOB NO: 24-17866



Printed: 10/31/2018 at 9:40:18 AM

0 487.5 975 1,950 ft

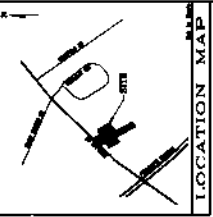
Westland Pellissippi Interchange
 KGIS Sector Plan Map

Knoxville - Knox County - KUB Geographic Information System

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EXHIBIT 4



LOCATION MAP

- NOTES:
1. THIS PLAN IS FOR THE PROPOSED CONCRETE STORAGE BAY.
 2. THE UNDERGROUND UTILITY LOCATIONS SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE EXACT LOCATION OF THESE UTILITIES IS NOT GUARANTEED. THE USER SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 3. THE EXISTING CONCRETE BAY IS TO BE DEMOLISHED AND RECONSTRUCTED.
 4. THE PROPOSED CONCRETE BAY IS TO BE CONSTRUCTED ON THE EXISTING CONCRETE BAY.
 5. THE PROPOSED CONCRETE BAY IS TO BE CONSTRUCTED ON THE EXISTING CONCRETE BAY.
 6. THE PROPOSED CONCRETE BAY IS TO BE CONSTRUCTED ON THE EXISTING CONCRETE BAY.

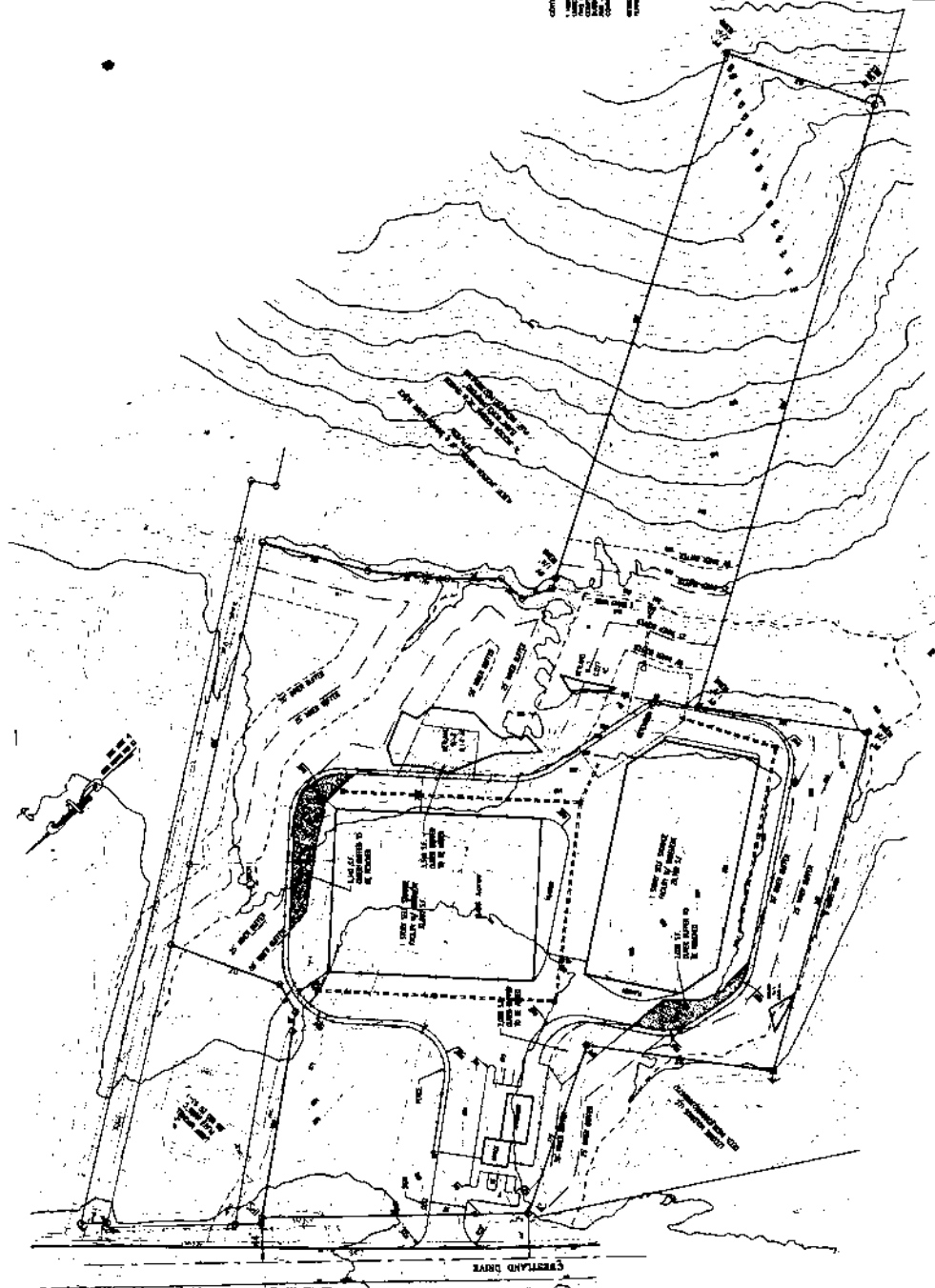


CERTIFICATE OF CONSENT PLAN

THIS PLAN IS FOR THE PROPOSED CONCRETE STORAGE BAY. THE USER SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.



USE ON REVIEW REQUEST
 APPROX A 61,100 S.F.
 SELF STORAGE FACILITY
 WITHIN A CA ZONE.



| | | |
|--|---------------|--|
| SECURITY CENTRAL STORAGE 9600 WESTLAND DR. PARCEL 25 D1 DISTRICT 4, RANDOLPH COUNTY, TENNESSEE | | 25124-C SHEET 1 OF 1 |
| AFD REFERENCE: INSTR. #20000140703278 | | |
| SCALE: AS SHOWN HORIZONTAL: AS SHOWN VERTICAL: 1" = 10' | DATE: 9/12/18 | PREPARED BY: [Blank] CHECKED BY: [Blank] DATE: [Blank] |
| DESIGNER: [Blank] ENGINEER: [Blank] ARCHITECT: [Blank] | | |

EXHIBIT 5

PLAN AMENDMENTS

The Charter states:

"Amendments to a Comprehensive Development Plan may be made at any time during the year following the submission to and action thereon by the Metropolitan Planning Commission. These amendments shall become effective when adopted by a majority vote of the membership of Council."

Due to the short-term nature of the One Year Plan and the widespread community involvement in its preparation, the need for plan amendments should be rare. The annual update is, in fact, the built-in mechanism best suited for amending the plan. Amendments to the plan between updates should be kept to a minimum and warranted only under the following circumstances:

1. An error in the plan.
2. A significant change in the development pattern, or the completion of a public improvement (road, park, sewer), which changes the basis on which the plan was developed for an area.
3. A change in public policy, unanticipated by the plan.
4. New information (including new plans and studies produced by MPC) becoming available, which reveals the need for a plan amendment.

Plan amendment studies will be conducted when authorized by either MPC or City Council. Individual requests for plan amendments may be made by filing a One Year Plan amendment request and paying the appropriate fees at the MPC office. *MPC will consider One Year Plan amendment requests at its April, July, October, and January monthly MPC meetings.* The MPC staff will conduct a study of the area and the land use issues involved. All amendment studies will involve the following steps:

1. **PUBLIC NOTICE:** Citizens will be notified of amendment studies by one or more of the following methods: (a) posting signs in the study area; (b) publishing a public notice in the newspaper; or (c) other means considered appropriate by MPC. The minimum period for public notice in the newspaper will be 30 days before the date of MPC consideration of the amendment study.
2. **STUDY OF CONDITIONS:** The MPC staff will evaluate the conditions and issues within the study area.

3. **FORMULATION AND EVALUATION OF PLAN ALTERNATIVES:**
An evaluation will be made of all possible alternative plan designations for the area, including a "no change" alternative.
4. **PRESENTATION TO MPC:** The plan amendment request and staff recommendation will be presented to MPC for their review and action. If MPC recommends to amend the plan or if the study was prepared at Council's request, the report and MPC's action will be sent to City Council for consideration.
5. **PRESENTATION TO CITY COUNCIL:** The plan amendment study and the recommendation of MPC will be presented to City Council. Council may vote to approve or not approve an amendment.
6. **AMENDED PROPOSALS FOR PLAN AMENDMENTS OR GENERAL REZONINGS WILL NOT BE ACTED UPON AT THE FINAL ADOPTION STAGE OF THE PROCESS:** This will avoid the Planning Commission or City Council's acting on last minute requests without complete information. Amended proposals will be postponed until adequate public notice is posted and the staff has had time to review the proposal and develop a recommendation.

This policy does not preclude the Planning Commission or City Council from altering any plan amendment or general rezoning that is recommended by the staff as part of a One Year Plan update being considered for adoption.

7. **RIGHT OF APPEAL OF MPC'S ACTION:** Any person who feels grieved by the action of MPC regarding a request for a plan amendment study has the right to file an appeal within fifteen days after MPC action. This appeal will be heard by City Council.
8. **DENIAL OF A REQUEST FOR A PLAN AMENDMENT STUDY OR DENIAL OF A PLAN AMENDMENT STUDY:** A new application for the same proposal shall not be accepted for a period of one year after the date of denial of such a proposal. During the annual update process, requests for plan amendment studies from the previous 12 months may be reconsidered. If MPC approval is overturned by the legislative body, the one year rule shall apply. However, where denial is appealed and the proposal is referred back to the Commission by the City Council with a request for further study, such proposal may be reconsidered.



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 10-B-18-RZ
10-A-18-PA

AGENDA ITEM #: 38
AGENDA DATE: 10/11/2018

▶ **APPLICANT:** **LECONTE HOLDINGS**
OWNER(S): LeConte Holdings, LLC

TAX ID NUMBER: 144 03201 [View map on KGIS](#)
JURISDICTION: Council District 2
STREET ADDRESS: 9608 Westland Dr
▶ **LOCATION:** Southeast side Westland Dr., northeast side I-140
▶ **TRACT INFORMATION:** 2.4 acres.
SECTOR PLAN: Southwest County
GROWTH-POLICY PLAN: Urban Growth Area (Inside City Limits)
ACCESSIBILITY: Accessed via Westland Dr., a minor arterial with 30-50' of pavement width within a 195' right of way.
UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Sinking Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / A-1 (General Agricultural)
▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-4 (Highway and Arterial Commercial)
▶ **EXISTING LAND USE:** Vacant
▶ **PROPOSED USE:** Self-service storage facility
EXTENSION OF PLAN DESIGNATION/ZONING:
HISTORY OF ZONING REQUESTS: Recent case immediately east of parcel (7-C-18-SP)
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING:
North: Shoreline Church (RP-1 Zoning)
South: Interstate 140 (OS-1 Zoning)
East: Rural Residential (A Zoning - County)
West: Interstate 140 and Office, Commercial, Medium Density Residential on other side of interstate (OS-1, PC, CA, PR Zoning)
NEIGHBORHOOD CONTEXT: Interstate interchange area with a mixture of civic/institutional, low and medium density residential, office, and commercial developments.

STAFF RECOMMENDATION:

▶ **RECOMMEND** that City Council Approve GC (General Commercial) designation.

EXHIBIT 7

A change in policy recently occurred with the approval of 7-C-18-SP that amended the Southwest County Sector Plan (2016) for the parcel immediately to the east, located within Knox County, from LDR (Low Density Residential) to O (Office) and GC (General Commercial). The location at the Intersection of Westland Drive and I-140 makes ideal place for commercial development.

► **RECOMMEND City Council APPROVE C-4 (Highway and Arterial Commercial)**

A change in policy recently occurred with the approval of 7-E-18-RZ which rezoned the parcel immediately to the west from A (Agricultural) to OA (Office Park) and CA (General Business).

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

A. **AN ERROR IN THE PLAN** - There are no apparent errors in the plan. The current One Year Plan designates the site as LDR and historically the plans have not designated commercial development on the east side of the Westland Drive and I-140 interchange due to community resistance.

B. **A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA** - Improvements have been made in recent years to the interchange area.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - Public policy has recently shifted with a recent amendment to the Southwest County Sector Plan that placed a commercial land use designation abutting this property.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - No new information has become available, besides the shift in public policy.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

This site is located directly adjacent a parcel that had a sector plan amendment to GC and rezoning to CA was approved by Knox County.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. Allowing general commercial use of this property could have a negative impact on the adjacent residential properties in the area.

2. Public water and sewer utilities are available in the area, but may need to be extended to serve this site.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The requested CA zoning districts are not consistent with the sector plan proposal for the property.

In order to consider CA or OA zoning, the associated sector plan amendment (10-A-18-PA) would have to be approved.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment

is operative.

2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 11/6/2018 and 11/20/2018. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.

E. HIGH DENSITY RESIDENTIAL (HDR): *This development is defined as primarily residential in character having a density greater than 24 dwelling units per acre. Primary land uses included in this class are medium and high rise attached multi-dwelling development.*

1. Locate high density development on major collectors and arterials adjacent to employment centers and major retail shopping districts. There should be an emphasis on aesthetics, open space, and recreation in planning such developments. Locations should be convenient to interstate highways, central business district, or other major activity centers.
2. Areas should be zoned R-2, R-3, R-4, RP-2, and RP-3 as appropriate and provided for under the Knoxville Zoning Ordinance.

F. TRADITIONAL NEIGHBORHOOD RESIDENTIAL (TDR): *This development is primarily residential and is characterized by neighborhoods with a mix of detached and attached houses, sidewalks, smaller lots and alleys. Densities in the range of 4 to 8 dwelling units per acre are typical.*

1. Neighborhoods where lots are typically less than 50 feet wide, and usually have sidewalks and alleys. This area is essentially the 19th and early 20th century grid street neighborhoods, mostly located south of I-640.
2. City's Urban Growth Area or County Planned Growth Area where neighborhood or community mixed use development is identified (see mixed use and special districts sections)
3. Areas should be zoned R-1, R-1A, R-2, R-4, or RP-1 (without overlays), TND-1 or a new residential zone(s), based on lot sizes of less than 7,500 square feet as appropriate and provided for under the Knoxville Zoning Ordinance.

COMMERCIAL AND OFFICE CLASSIFICATIONS

**GENERAL COMMERCIAL (GC), NEIGHBORHOOD COMMERCIAL (NC),
COMMUNITY COMMERCIAL (CC), REGIONAL COMMERCIAL (RS), OFFICE (O),
MEDIUM DENSITY RESIDENTIAL/OFFICE (MDR/O)**

Intent: *Ensure an adequate supply of suitable land for present and future economic development needs. Provide for efficient and harmonious distribution of commercial, office, and industrial development. Develop a variety of commercial areas to meet neighborhood, community and regional needs. Locate commercial activities on sites which are physically suited, accessible, adequately served by utilities, and will result in compatible land use relationships. Locate commercial areas based on their composition, scale, and intensity. Where possible, concentrate new commercial activities in planned development centers to provide maximum benefit to users and to minimize adverse effects on land use patterns and transportation systems.*

A. GENERAL COMMERCIAL (GC): *This class provides locations for retail, service commercial, and a limited range of wholesale and warehousing activities and is generally intended to provide a full range of goods and services at the community or regional scale.*

1. Commercial sites should be relatively flat, regular in shape, and of sufficient size.
2. Locate commercial activities on arterial and collector streets; however, their placement should not significantly reduce the proper functioning of the transportation system.
3. Commercial sites should be easily served by utilities and other support services.
4. Commercial sites should be compatible with adjacent land uses.
5. Control linear commercial development to prevent traffic congestion and commercial encroachment into residential areas.
 - a. New linear development should be permitted only on arterials where it is compatible with road design and adjacent land use.
 - b. Redesign existing linear development to improve its functioning, especially in coordination with street improvements.
 - c. Only commercial uses requiring high accessibility or otherwise unsuited to "cluster" type development should be allowed to locate in a linear fashion.
6. Areas designated for general commercial (GC) use should be zoned C-1, C-3, C-4, C-5, C-6, C-7, SC-1, SC-2, SC-3, PC-1, PC-2, TC-1, O-1, or O-3 as appropriate and provided for under the Knoxville Zoning Ordinance.

B. NEIGHBORHOOD COMMERCIAL (NC): *This class provides locations for a narrow range of convenience retail, service, and office uses that are intended to serve the needs of residential areas within a 1/2 mile radius.*

1. Locate neighborhood commercial development on arterial and collector streets on sites that result in minimal negative impact on adjacent properties.
 - a. Limit the size of neighborhood commercial areas to 5 acres or less, depending on site characteristics.
 - b. New neighborhood commercial should not be developed within 1/2 mile of existing commercial development.
 - c. Ideally, convenience stores should be located in association with other neighborhood serving uses to form neighborhood centers. Convenience stores may be allowed to locate as isolated commercial uses in low density urban areas on collector or arterial streets.
 - i. Design standards should be developed to ensure that isolated commercial uses complement the surrounding environment.
2. Areas designated for Neighborhood Commercial (NC) use should be zoned C-1 or O-3 as appropriate and provided for under the Knoxville Zoning Ordinance.

2.2.7. - C-4 highway and arterial commercial district.

- A. *General description.* 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 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 hazards and interference with other uses in the vicinity.
- B. *Uses permitted.* The following uses shall be permitted in the C-4 highway and arterial commercial district:
1. Any use permitted in a C-3 general commercial district under the provisions of article IV, section 2.2.6.B including those uses permitted under the provisions of article IV, 2.2.6.B.20.
 2. Drive-in commercial uses.
 3. Souvenir shop, roadside stand, or curio shops.
 4. Fruit or vegetable stand.
 5. Garden center, greenhouse, and nursery.
 6. New and used car and truck sales.
 7. Farm implement and machinery, new and used, sales.
 8. Truck, trailer for hauling, rental and sales, U-haul type.
 9. Motorcycle sales, repair, and services.
 10. Metal and wood fencing, ornamental grillwork.
 11. Monument sales.
 12. Animal hospital, kennel, and pet shop.

Exhibit 9

13. Prefabricated and shell house sales.
14. Auction house.
15. Mobile home sales and services.
16. Marina, bait shop, boat sales, rentals, storage, and launching ramp.
17. Taxidermist.
18. Recreational uses such as amusement parks, bowling alleys, and ice and roller skating rink.
19. Outdoor advertising as regulated in article V, section 10.
20. Archery range, miniature golf, golf driving range, and other similar outdoor recreational uses.
21. Open storage uses shall comply with the following provisions:
 - a. All open storage and display of merchandise, material and equipment shall be screened by adequate ornamental fencing or evergreen planting at the side and rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height.
 - b. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be constructed and maintained in such a manner that no dust will be produced by continued use.
 - c. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
 - d. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
 - e. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.
22. Other uses of the same general character as those listed in this section as permitted uses and deemed appropriate by the planning commission.
23. Public utility electrical or gas receiving, metering, distribution or transformer station, or service yard.

24. Recycling collection facility as an accessory use only as regulated by article V, section 18, B.
 25. Halfway houses with maximum capacity of five (5) persons subject to the following standards:
 - a. No other halfway house located within one (1) mile of this site.
 - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
 - c. The use shall comply with all applicable city, state, and federal codes and regulations.
 - d. The site shall be within one thousand (1,000) feet of an established transit route.
 - e. Signs identifying a use as a halfway house are not permitted.
 - f. The city police department must be provided with a written notification of the use prior to its occupancy.
 26. Personal gardens.
 27. Community gardens.
 28. Market gardens.
 29. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VI, section 5:
1. Self-service storage facilities, as regulated in article V, section 3.G.7.
 2. Marinas, subject to the requirements set forth in article V, section 3.F.
 3. Private day nurseries and kindergartens, including day care centers, as regulated in article V, section 3.
 4. Halfway houses with greater than five (5) persons subject to the following standards:
 - a. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
 - b. The use shall comply with all applicable city, state, and federal codes and regulations.

- c. The site shall be within one thousand (1,000) feet of an established transit route.
 - d. Signs identifying a use as a halfway house are not permitted.
 - e. The city police department must be provided with a written notification of the use prior to its occupancy.
- 5. Funeral establishments.
 - 6. Craft breweries, distilleries and wineries.
 - 7. Craft bakeries.
 - 8. Alternative financial services as regulated by article V, section 26.
- D. *Prohibited uses and structures.* The following uses are prohibited in the C-4 highway and arterial commercial district:
- 1. Houses, duplexes, or multi-dwelling structures or developments.
 - 2. Manufacturing.
 - 3. Bulk storage of inflammable liquids.
 - 4. Junkyards, salvage yards.
 - 5. Elementary schools, public or private.
 - 6. All uses and structures not of a nature specifically permitted herein.
 - 7. Any use which the planning commission, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts, or to those who pass on public ways by reason of odor, smoke, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter or radiation, or likely for other reasons to be incompatible with the character of the districts.
- E. *Area regulations.* The following requirements shall apply to all uses permitted in this district:
- 1. Reserved.
 - 2. *Front yard.*
 - a. All lots fronting on an arterial street shall have a building setback of not less than fifty (50) feet.
 - b. All other lots shall have a building setback of not less than thirty-five (35) feet.
-

3. *Side yard.* The width of any side yard which abuts a residential district shall be not less than fifty (50) feet. In all other cases each side yard shall be not less than twelve (12) feet.
 4. *Rear yard.* Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; the depth of a rear yard which abuts a residential district shall be not less than fifty (50) feet.
- F. *Floor area ratio.* The floor area ratio for buildings in the C-4 highway and arterial commercial district shall be no greater than 1.60. Height and lot coverage for structures in this district shall be governed by this floor area ratio except that all front, side and rear yard requirements will limit the total amount of lot which may be covered with structure.
- G. *Off-street parking.* As regulated in article V, section 7.

(Ord. No. 5224, 9-28-71; Ord. No. 5397, 8-15-72; Ord. No. 5465, 12-5-72; Ord. No. O-65-84, § 1, 4-24-84; Ord. No. O-483-92, § 1(C)(7), 11-24-92; Ord. No. O-90-95, § 1, 2-28-95; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-146-01, § 1, 5-1-01; Ord. No. O-140-04, § 1, 8-17-04; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-9-2015, § 2, 1-20-15; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-7-2016, § 1, 1-5-16; Ord. No. O-116-2016, § 1, 7-19-16; Ord. O-227-2017, § 1, 10-24-17)

Note— Former Art. IV, § 10.