



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Item 7-C-19-SP

1 message

Wayne A. Kline <WKline@hdclaw.com>

Fri, Oct 4, 2019 at 3:27 PM

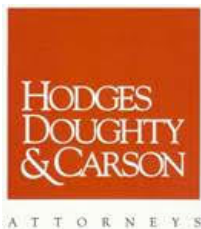
Reply-To: wkline@hdclaw.com

To: "commission@KnoxPlanning.org" <commission@knoxplanning.org>

Cc: "Liz.Albertson@KnoxPlanning.org" <Liz.Albertson@knoxplanning.org>

Please see attached correspondence regarding the above-referenced matter.

Thank you.



Wayne A. Kline

617 Main Street
Post Office Box 869
Knoxville, TN 37901-0869
Telephone: 865-292-2307
Facsimile: 865-292-2321

Email: wkline@hdclaw.com

<http://www.hdclaw.com>



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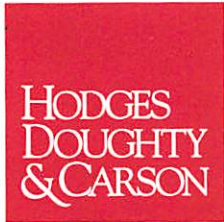
This message was directed to commission@knoxplanning.org

2 attachments



image003.jpg
24K

Commissioners re rep (10.4.19).pdf
643K



ATTORNEYS

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
OLIVER D. ADAMS
WESLEY D. STONE
WILLIAM D. EDWARDS
J. SCOTT GRISWOLD
DONALD J. FARINATO

ASSOCIATES
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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
DEAN B. FARMER

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 4, 2019

Via Email Transmission:

commission@KnoxPlanning.org

Re: File No.: 7-C-19-SP
Applicant: TM3 Properties, LLC
Agenda Item No.: 14
Agenda Date: 10/10/19

Commissioners:

This confirms my representation of TM3 Properties, LLC for File No. 7-C-19-SP in its Application for a Plan Amendment/Rezoning/Sector Plan Change to be heard by the Planning Commission at the upcoming October 10th, 2019 Planning Commission meeting.

The changes are needed to effectuate a proposed retail establishment at S. Northshore Drive and Osprey Point Lane, which is adjacent to the I-140 ramp on the east side, Osprey Point Lane on the west side, S. Northshore Drive on the south side, and Osprey Point Lane again on the north side. The two (2) proposed buildings will be no larger than 5,000 square foot with only one entrance to the development that should not interfere with any residential traffic or development on Osprey Point Lane. The maximum building height of 35 feet will provide a much more attractive and compliant use of the property in a NC-1 zone. Although the staff recommends denial, conditions have changed that warrant amendment of the sector plan map for the site and the current office zoning, although it is consistent with the sector plan, will not provide for as reasonable use of the property as your applicant proposes. With 1,100 housing units between three developments as well as smaller subdivisions in the construction pipeline, it is certain that the limited available commercial zoning in the Northshore/Pellissippi area cries out for a change in plan, including the area contemplated in your applicant's request. The existing 0-1 zone allows a high-rise office building to be placed in this property, whereas the proposed retail establishment will actually provide benefit to the neighborhood and the community without the construction of another high-rise structure.

Landscaping will provide a Class B buffer with a minimum width of 20 feet. In addition, the applicant will utilize plant materials suitable to withstand climatic conditions of the city and micro climate of the site. Native vegetation and dry tolerant plant materials will be added to the buffer between the property and others in proximity.

Interestingly, sound pressure levels taken according to FAA Sound Chart at the site this past month already place the decibel levels in the noise category of commercial area/large business. The proposed development will not add to the noise level.

Most importantly, there is over 200 feet between residential structures in the Stonebury Court neighborhood and this proposed retail development. There is also a natural berm and vegetation providing significant sound and site buffer. This proposed development will be cut into the slope of the site and not even be seen by the neighborhood.

To assist with neighborhood buffer, the applicant has designed the proposed retail space so that exterior lighting is not required in the rear of the property. There will be further buffer as can be seen on the site plan in your packets such that a total of 50-foot buffer to the property line will exist, with another 50 foot buffer to Osprey Point Lane, which has a 50-foot right-of-way and then yet another buffer on the south side of Osprey Point Lane which includes natural vegetation and trees that continue the buffer to the closest subdivision. This will provide complete buffering of noise, any light that would protrude from the proposed establishment, and all of the parking, ingress and egress will be from only one 26-foot driveway on the north side of the property closest to S. Northshore Drive and Osprey Point Lane intersection.

Your applicant hopes you can see the benefit of such a proposed retail development in this area because developing an office space on the presently office zoned property will be a much more intensive intrusion to the residential properties on this south side of S. Northshore Drive.

I look forward to presenting the proposal and answering any questions the Commission might have at the upcoming October 10th, 2019 meeting.

With best regards, I am

Yours very truly,

HODGES, DOUGHTY & CARSON, PLLC



Wayne A. Kline

WAK/kjc
cc: Liz.Albertson@KnoxPlanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Item 7-C-19-SP

1 message

Wayne A. Kline <WKline@hdclaw.com>

Wed, Oct 2, 2019 at 2:24 PM

Reply-To: wkline@hdclaw.com

To: "liz.albertson@knoxplanning.org" <liz.albertson@knoxplanning.org>, "Commission@knoxplanning.org" <Commission@knoxplanning.org>

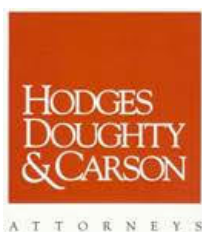
Liz:

This is the Concept I spoke to you about showing to the Commissioners at next week's Planning Commission meeting.

Can I use a pointer during my 5 minutes?

Thank you,

Wayne



Wayne A. Kline

617 Main Street
Post Office Box 869
Knoxville, TN 37901-0869
Telephone: 865-292-2307
Facsimile: 865-292-2321

Email: wkline@hdclaw.com

<http://www.hdclaw.com>



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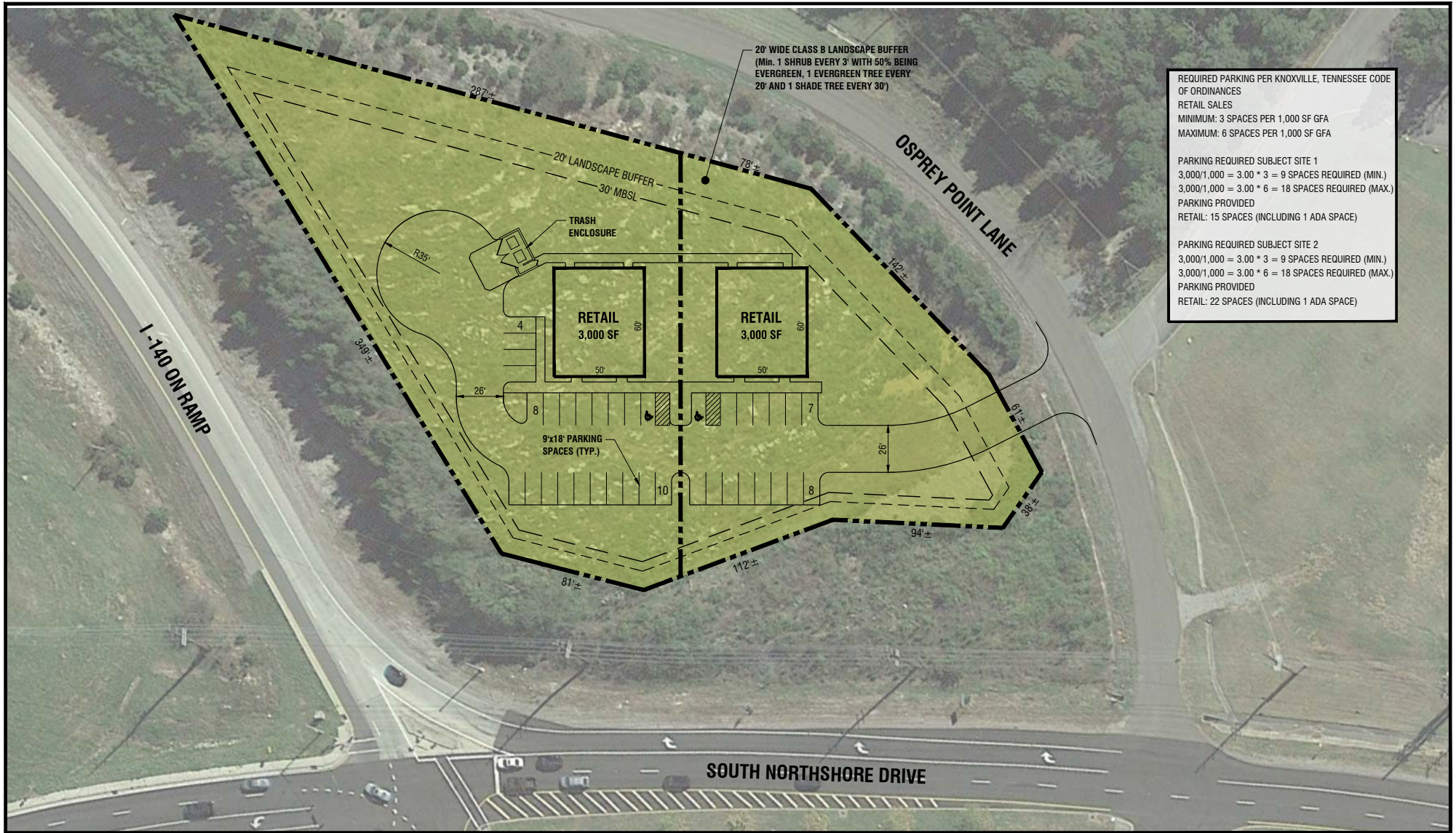
This message was directed to commission@knoxplanning.org

2 attachments



image003.jpg
24K

19104_NorthShore Knoxville_0801319-SP-A.pdf
3889K



REQUIRED PARKING PER KNOXVILLE, TENNESSEE CODE OF ORDINANCES
RETAIL SALES
 MINIMUM: 3 SPACES PER 1,000 SF GFA
 MAXIMUM: 6 SPACES PER 1,000 SF GFA

PARKING REQUIRED SUBJECT SITE 1
 3,000/1,000 = 3.00 * 3 = 9 SPACES REQUIRED (MIN.)
 3,000/1,000 = 3.00 * 6 = 18 SPACES REQUIRED (MAX.)
PARKING PROVIDED
 RETAIL: 15 SPACES (INCLUDING 1 ADA SPACE)

PARKING REQUIRED SUBJECT SITE 2
 3,000/1,000 = 3.00 * 3 = 9 SPACES REQUIRED (MIN.)
 3,000/1,000 = 3.00 * 6 = 18 SPACES REQUIRED (MAX.)
PARKING PROVIDED
 RETAIL: 22 SPACES (INCLUDING 1 ADA SPACE)

4209 GALLATIN PIKE
 NASHVILLE, TN 37216
 TELE: (615) 227-5863
 www.dmg-nashville.com

Prepared For:
TM3 PROPERTIES, LLC
 P.O. BOX 10667
 KNOXVILLE, TN 37919
 (865) 292-5692

PROPOSED RETAIL
 SOUTH NORTHSHORE DRIVE & OSPREY POINT LANE
 KNOXVILLE, TENNESSEE

SCALE:	1"=50'	PRELIMINARY SITE PLAN
DATE:	01-10-19	
REV:	08-14-19	
DMG Project No:	19104	SP-A



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Stonebury Court HOA letter stating our opposition to the Southwest County Sector Plan Admendment 7-C-19-SP, One Year Plan Amendment 7-C-19-PA, and Rezoning request File Number 7-M-19-RZ

1 message

Tim Stewart <tim.stewart30@gmail.com>

Mon, Sep 23, 2019 at 10:44 AM

Reply-To: tim.stewart30@gmail.com

To: Liz Albertson <liz.albertson@knoxplanning.org>, commission@knoxplanning.org

Cc: Bill Hendon <hendonwilliamt@aol.com>, Robby Jabbour <rhjabbour@hotmail.com>, Tim Stewart <tim.stewart30@gmail.com>

DATE: September 23, 2019

TO: Liz Albertson, MPC Senior Planner, and Knoxville-Knox County Metropolitan Planning Commissioners

City-County Building

Suite 403

400 Main Street

Knoxville, TN 37902

RE: **MPC Meeting Scheduled for October 10, 2019****A. File Number: Southwest County Sector Plan Amendment 7-C-19-SP -- requesting change from O to NC****B. File Number: One Year Plan Amendment 7-C-19-PA -- requesting change from O to NC****C. File Number: Rezoning Request 7-M-19-RZ -- requesting change from O-1 to C-1****Location:** South side S. Northshore Dr., north side Osprey Point Lane**Current zoning:** O-1 (Office, Medical, and Related Services)**Requested zoning:** C-1 (Neighborhood Commercial)**Proposed use:** Mix of retail, medical, personal services, etc.**Applicant/Rep:** Todd Miller and Lori Wood, TM3 Properties, LLC

I am Tim Stewart, current president of the Stonebury Court Homeowners' Association. This letter, along with two attachments, is on behalf of our HOA members, as well as neighbors who are Osprey Point Lane land and home owners. **We fully oppose the Southwest County Sector Plan Amendment change request from O to NC, the One Year Plan Amendment change request from O to NC, and the Rezoning change request from O-1 to C-1 of the property located on Osprey Point Lane.** We submitted a similar statement of opposition at the July 11th and August 8th MPC meetings and are submitting this letter to reaffirm our opposition to the Plan Amendments and Rezoning request.

Our HOA members and neighboring property owners have met with Mr. Todd Miller twice during the last few months to consider his company's proposed rezoning of the Osprey Point

Lane property. As you know, Mr. Miller has requested postponement of the rezoning request twice at the July, 2019 and August, 2019 MPC meetings. During the last meeting with our HOA on August 8, 2019, Mr. Miller proposed changing his original rezoning request from C-6 to C-1. **Our HOA and neighbor property owners remain fully opposed to any type of retail business on this property.**

Below are our reasons for opposing this rezoning and plan amendment request:

1. We have an acceptable zoning at present, which we have worked previously with the property owner to maintain -- one which was set and supported by Knox County in 2012. I have attached a letter dated July 5, 2012 that concerns the previous rezoning request. The letter is from Mr. Chris Brown, who represented the same property owner. Please note that our HOA and Osprey Point Lane neighbors agreed to support the current O-1 zoning for the property to be used for a professional office building or a financial institution. The property owner's new representative is now requesting rezoning change to Neighborhood Commercial that allows retail sales.
2. I have attached MPC staff member notes written by Mr. Michael Brusseau concerning a separate rezoning request in October 2017 to rezone the property from O-1 to C-6. Please note that MPC staff members and commission members opposed the rezoning and cited valid reasons in the notes for rejecting the rezoning request. At the July 11, 2019 MPC meeting, Chairwoman Tocher announced that MPC staff had submitted their opposition to the rezoning proposal prior to continuance to the August 8th MPC meeting. No conditions have changed that warrant amendment of the sector plan map for this site.
3. The current zoning does not deter a fair use of the property by the current owner. The property owner must use it in the manner for which it has been agreed.
4. The surrounding and directly affected landowners wish to preserve their community in accordance with the current zoning requirements.
5. Those who will be directly or adversely affected by the proposed rezoning wish the current zone to be maintained.
6. There have been no studies or documents presented showing a community-based need for such a rezoning. Zoning regulations exist to protect the interests of directly affected parties and provide adequate access to services.
7. There has been no cause shown why such a rezoning is in the interests of those directly affected. We have seen no studies supporting a valid need for such a rezoning. The only benefit is to the landowner and business owner.
8. Zone codes were developed to provide for ordered and planned growth. The zone ordinance allows the directly affected parties security and expectation for the future. The ability to change this at will by outside interests runs contrary to the intent of the zoning ordinance purpose.
9. There is concern that a retail business will decrease and not enhance the value of homes and property in our community.
10. There is concern about increased traffic flow and traffic safety at an already busy and dangerous intersection (Northshore Dr. and Osprey Point Lane). The area that surrounds Osprey Point Lane currently lies within the Parent Responsibility Zone for Northshore Elementary School, leaving parents responsible for student transportation to and from

school. An amendment of the location to Neighborhood Commercial (C-1) would negatively affect all families that are ineligible to receive bus transportation because of the increased traffic flow into and out of the proposed retail business.

11. There is concern that the proposed rezoning erodes the community center concept of Northshore Town Center where shopping, restaurants, and offices reside around the pedestrian-friendly streets.

12. There is concern about an increased noise level from a proposed commercial business.

We thank the MPC members for considering our reasons for opposing this rezoning proposal.

Sincerely,

Tim Stewart
President, Stonebury Court HOA

--

This message was directed to commission@knoxplanning.org

2 attachments



MPC Staff Comments opposing rezoning of Osprey Point Lane property Oct 2017.docx
16K



July 5, 2012 Rezoning agreement from Chris Brown for Osprey Point Lane property.pdf
795K

MPC STAFF COMMENTS

No conditions have changed that warrant amendment of the sector plan map for this site. The current O-1 zoning is consistent with the sector plan and gives the applicant reasonable use of the property. The sector plan was amended in 2012 to allow office uses and this should be maintained. Office use of this site creates an appropriate transition area between commercial uses to the north and residential uses to the south.

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: Improvements to S. Northshore Dr. were recently made to accommodate the Northshore Town Center development to the north. However, these improvements do not change the future land use proposal for this site. The zoning and development pattern for this area is established and appropriate as is. Commercial uses in this area need to be limited to the Town Center and other commercially zoned areas east of I-140. There is currently no commercial zoning on the side of S. Northshore Dr., east of I-140.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately designates this site for office uses, consistent with the current O-1 zoning. Office uses are appropriate at this location as a transition between commercial uses and I-140 to the north and east and residential uses to the south. The Southwest County Sector Plan was recently updated in 2016. City Council adopted the updated sector plan on October 24, 2016.

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

There has been no change in public policy that warrants the requested amendment to the sector plan. The update of the Southwest County Sector Plan in 2016 continued to maintain that office uses are most appropriate for this site.

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

No new information or trends have emerged that would reveal the need for a plan amendment at this particular location. This site was reviewed and approved for office uses in 2012 and the update of the Southwest County Sector Plan maintained that designation for this site based on the information that was available during those reviews.

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, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

If approved, this item will be forwarded to Knoxville City Council for action on 11/7/2017 and 11/21/2017. 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.

ESTIMATED TRAFFIC IMPACT: Not required.
Not applicable.

ESTIMATED STUDENT YIELD:

10/5/2017 03:47 PM
MICHAEL BRUSSEAU
10-C-17-SP
FILE #:
AGENDA ITEM #:
44
44-2
PAGE #:

CHRIS E. BROWN
C.E. BROWN PROPERTIES
1619 SCHAEFFER ROAD
KNOXVILLE, TN 37932

July 5, 2012

Stonebury Court HOA
c/o Mr. Tim Stewart
9615 Levens Way
Knoxville, TN 37922

Re: *Zoning of property at Pellissippi Parkway and Osprey Drive*

Dear Mr. Stewart:

Following up on our several conversations and pursuant to our agreement with the residents of Stonebury Court, we will agree to amend the rezoning request for the above project from C6 to O1 and in return your neighborhood association will by letter to MPC announce it supports the rezoning to O1.

O1 zoning will allow the property to be used for a professional office building or a financial institution, such as a bank. These businesses would be conducted during normal business hours. Businesses that concern the HOA are not included in the O1 zoning.

It is our intent that access to and from the development will be at the end closest to Northshore Drive, pursuant to the required approvals from the City of Knoxville and/or TDOT.

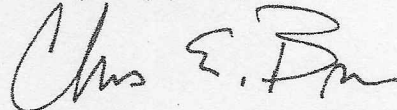
It will not be possible to develop a site plan at this time, since the identity of the tenants and uses of the property other than as stated above and allowed by the O1 zone are not known at this time. It is our intent to develop appropriate landscaping which would screen and buffer the site from the Stonebury Court homes. At present, the right of way for Osprey Point Drive is 150 feet. With the set backs for both the residential and the proposed uses of this property, there should be a 200 foot separation.

We would also endeavor to obtain the agreement of a subsequent purchaser if we are not the ultimate developer.

If this is our agreement please advise me right away.

Thank you for your assistance.

Very truly yours,



Chris E. Brown
C.E. BROWN PROPERTIES

CEB:alh

Stonebury Court

By: _____



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Addendum to Stonebury Court HOA letter dated July 23, 2019 opposing rezoning request File Number 7-M-19-RZ and Plan Amendment 7-C19-SP and 7-C-19-PLAN

1 message

Tim Stewart <tim.stewart30@gmail.com> Mon, Aug 5, 2019 at 7:40 AM
Reply-To: tim.stewart30@gmail.com
To: Liz Albertson <liz.albertson@knoxplanning.org>, commission@knoxplanning.org
Cc: Pamela Fuqua <lrfuqua@aol.com>, Bill Hendon <hendonwilliamt@aol.com>, Mike & Stacey Mysinger <mysinger@tds.net>, Tim Stewart <tim.stewart30@gmail.com>

NOTES:

- ** Addendum to Stonebury Court HOA letter dated July 23, 2019 opposing rezoning request File Number 7-M-19-RZ and Plan Amendment 7-C19-SP and 7-C-19-PLAN
- ** The letter below has been sent to the TDOT stating our thoughts about traffic safety concerns at the intersection of Northshore Dr. (SR 332) and Osprey Point Lane

+++++

Date: August 5, 2019

RE: Traffic Safety Concerns at Intersection of Northshore Dr. (SR 332) and Osprey Point Lane

TO: TN Department of Transportation
Mr. Steven M. Borden, P.E.
Director/Assistant Chief Engineer
[1045 Maintenance Lane](#)
[Knoxville, TN 37914](#)

Dear Mr. Borden,

My name is Tim Stewart, and I am the current HOA President of the Stonebury Court community, located immediately off Osprey Point Lane in Knox County. On behalf of our HOA and neighbor property owners, I want to bring to your attention traffic safety concerns at the intersection of Northshore Dr. (SR 332) and Osprey Point Lane.

These are the traffic safety concerns:

- When residents attempt to exit from Osprey Point Lane onto Northshore Drive, there are often westbound vehicles making U-turns at this intersection to avoid waiting on the traffic light which controls the Northshore entrance to southbound Pellissippi Parkway (I-140).
- Turning left from Osprey Point Lane onto Northshore Drive is particularly challenging, as drivers generally do not attempt to avoid blocking the intersection.
- Residents, as well as customers of Northshore Pellissippi Storage, must cross two lanes of eastbound traffic and a turn lane, then enter the fast lane of the westbound traffic. Because of the growth of new businesses such as Northshore Pellissippi Storage, Northshore Town Center, the newly built Aventine Northshore apartment complex, Northshore Elementary School, and the Pellissippi Parkway entrances, traffic is heavy and backs up to block the intersection at certain times daily.

Suggestions:

- Place signs in the westbound medians of Northshore Dr. that state “**No U-Turns Permitted**” (refer to attached sketch for location of signs).
- Paint “**Do Not Block Intersection**” wording on the pavement of both eastbound and westbound lanes of Northshore Dr. at the intersection with Osprey Point Lane (refer to attached sketch for location of signs).

We would be pleased to meet with you or a TDOT representative to discuss this concern. Thank you.

Sincerely,

Tim Stewart

865-386-6234 (cell)

tim.stewart30@gmail.com

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This message was directed to commission@knoxplanning.org



Northshore Dr (SR 332) and Osprey Point Lane Safety Concern Sketch - 8-3-2019.pdf

537K

SUGGESTIONS FOR TRAFFIC SAFETY CONCERNS AT NORTSHORE DR. & OSPREY POINT LANE

NORTSHORE
TOWN CENTER

SUGGESTED PAINTED ON ROAD
"DO NOT BLOCK INTERSECTION"

SUGGESTED SIGN
"NO U-TURN"

STATE ROUTE 332/
NORTSHORE DR.
(WESTBOUND)

TURN LANE
TO OSPREY

GRASS MEDIAN

GRASS MEDIAN

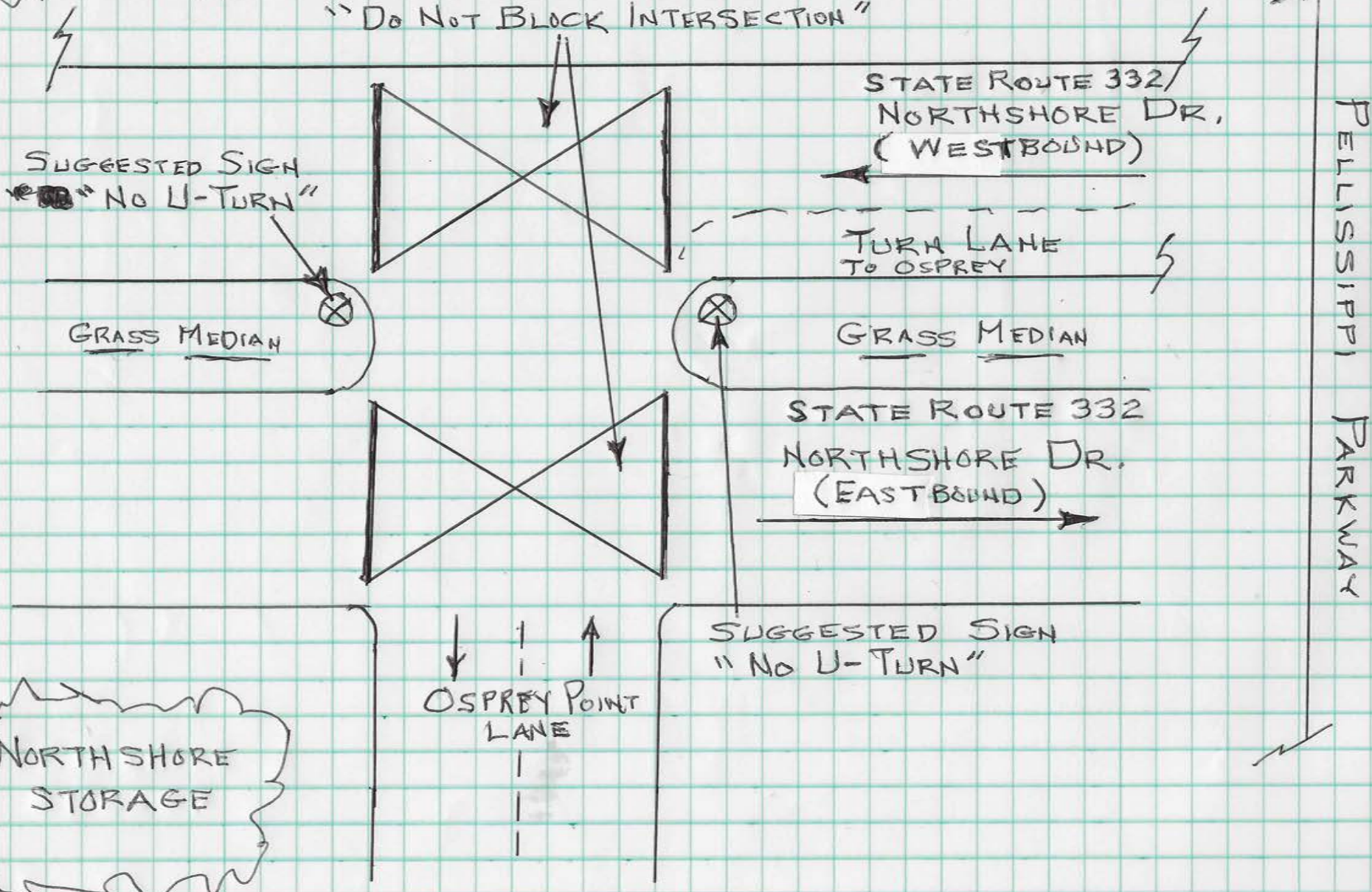
STATE ROUTE 332
NORTSHORE DR.
(EASTBOUND)

MISSISSIPPI
PARKWAY

OSPREY POINT
LANE

SUGGESTED SIGN
"NO U-TURN"

NORTSHORE
STORAGE





Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Request for a Postponement until the August 8th MPC Agenda

Todd Miller <todd@mwdev.com>

Wed, Jul 10, 2019 at 1:48 PM

Reply-To: todd@mwdev.com

To: "commission@knoxplanning.org" <commission@knoxplanning.org>

To whom it may concern,

In regard to the Planning Commission Meeting on July 11, 2019, we would like to request a postponement until the August 8th Planning Commission Meeting.

We have recently started meeting with the residents in the immediate area to address their concerns on the front end of this process. And all parties believe it is best that we continue these talks and draft some specific language to present a development proposal that will address their concerns, and allow the needs of my development to be met as well. We will be in attendance for the July 11, 2019 meeting to formally request this postponement during item #4 on the agenda. Please see below for the information related to this request. Also, please confirm receipt of this notice.

TM3 PROPERTIES, LLC

0 Osprey Point Ln. / Parcel ID 154 L A 012 & 10101, Council District 2.

A. SOUTHWEST COUNTY SECTOR PLAN AMENDMENT (7-C-19-SP)

From O (Office) to GC (General Commercial).

B. ONE YEAR PLAN AMENDMENT (7-C-19-PA)

From O (Office) to GC (General Commercial).

C. REZONING (7-M-19-RZ)

From O-1 (Office, Medical, and Related Services) to C-6 (General Commercial Park).

Thank you for your time and consideration,

Todd Miller

Todd Miller

President & Founder, M&W Development, LLC

(865) 292-5692 | todd@mwdev.com

www.mwdev.com

P.O. Box 10667, Knoxville, TN 37939

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This message was directed to commission@knoxplanning.org



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Fwd: Letter stating HOA opposition to Rezoning request File Number 7-M-19-RZ and Plan Amendment 7-C-19-SP and 7-C-19-PLAN

2 messages

Liz Albertson <liz.albertson@knoxplanning.org> Sat, Jun 29, 2019 at 10:50 AM
Reply-To: liz.albertson@knoxplanning.org
To: Amy Brooks <amy.brooks@knoxplanning.org>, Dori Caron <dori.caron@knoxplanning.org>, Gerald Green <gerald.green@knoxplanning.org>, Knoxville-Knox County Planning Commission <commission@knoxplanning.org>

----- Forwarded message -----

From: **Tim Stewart** <tim.stewart30@gmail.com>
Date: Sat, Jun 29, 2019 at 10:29 AM
Subject: Letter stating HOA opposition to Rezoning request File Number 7-M-19-RZ and Plan Amendment 7-C-19-SP and 7-C-19-PLAN
To: <liz.albertson@knoxplanning.org>
CC: Bill Hendon <hendonwilliamt@aol.com>, Tim Stewart <tim.stewart30@gmail.com>

DATE: June 29, 2019

TO: Liz Albertson, MPC Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building
Suite 403
400 Main Street
Knoxville, TN 37902

RE: **File Number: Rezoning --- 7-M-19-RZ (change from O-1 to C-6)**
File Number: Plan Amendment (one-year plan) --- 7-C-19-SP
and 7-C-19-PLAN (change from O to GC)
Location: South side S. Northshore Dr., north side Osprey Point Lane
Current zoning: O-1 (Office, Medical, and Related Services)
Requested zoning: C-6 (General Commercial Park)
Proposed use: Mix of retail, medical, personal services, etc.
Applicant/Rep: Todd Miller and Lori Wood, TM3 Properties, LLC

Dear Ms. Albertson,

My name is Tim Stewart and I am the current president of the Stonebury Court Homeowners' Association. I am sending this letter, along with two attachments, on behalf of our HOA members and neighbors who are Osprey Point Lane land and homeowners. **We fully oppose the rezoning request of the property located on Osprey Point Lane from the current zoning of O-1 to the requested zoning of C-6 as well as the one-year Plan Amendment from O to the requested GC.** I request that you make this email and attachments (or paper copies) available to all MPC members prior to the July 11th meeting.

Below are our reasons for opposing this rezoning and plan amendment request:

1. We have an acceptable zoning at present, which we have worked previously with the property owner to maintain -- one which was set and supported by Knox County in 2012. I have attached a letter dated July 5, 2012 that concerns the previous rezoning request. The letter is from Mr. Chris Brown, who represented the same property owner. Please note that our HOA and Osprey Point Lane neighbors agreed to support the current O-1 zoning for the property to be used for a professional office building or a financial institution. The property owner's new representative is now requesting rezoning to allow for a General Commercial Park that allows retail sales.
2. I have attached MPC staff member notes written by Mr. Michael Brusseau concerning a separate rezoning request in October 2017 to rezone the property from O-1 to C-6. Please note that MPC staff members and commission members opposed the rezoning and cited valid reasons in the notes for rejecting the rezoning request. No conditions have changed that warrant amendment of the sector plan map for this site.
3. The current zoning does not deter a fair use of the property by the current owner. The property owner must use it in the manner for which it has been agreed.
4. The surrounding and directly affected landowners wish to preserve their community in accordance with the current zoning requirements.
5. Those who will be directly or adversely affected by the proposed rezoning wish the current zone to be maintained.
6. There have been no studies or documents presented showing a community- based need for such a rezoning. Zoning regulations exist to protect the interests of directly affected parties and provide adequate access to services.
7. There has been no cause shown why such a rezoning is in the interests of those directly affected. We have seen no studies supporting a valid need for such a rezoning. The only benefit is to the landowner and business owner.
8. Zone codes were developed to provide for ordered and planned growth. The zone ordinance allows the directly affected parties security and expectation for the future. The ability to change this at will by outside interests runs contrary to the intent of the zoning ordinance purpose.
9. There is concern that a retail business will decrease and not enhance the value of homes and property in our community.
10. There is concern about increased traffic flow and traffic safety at an already busy and dangerous intersection (Northshore Dr. and Osprey Point Lane). The area that surrounds Osprey Point Lane currently lies within the Parent Responsibility Zone for Northshore Elementary School, leaving parents responsible for student transportation to and from school. An amendment of the location to General Commercial (C-6) would negatively affect all families that are ineligible to receive bus transportation because of the increased traffic flow into and out of the proposed retail business.
11. There is concern that the proposed rezoning erodes the community center concept of Northshore Town Center where shopping, restaurants, and offices reside around the pedestrian-friendly streets.
12. There is concern about an increased noise level from a proposed commercial business.

We thank the MPC members for considering our reasons for opposing this rezoning proposal.

Sincerely,

Tim Stewart
President, Stonebury Court HOA

--

Liz Albertson, AICP
Senior Planner
865.215.3804



Knoxville-Knox County Planning | KnoxPlanning.org
400 Main Street, Suite 403 | Knoxville, TN 37902

--

This message was directed to commission@knoxplanning.org

2 attachments

 **July 5, 2012 Rezoning agreement from Chris Brown for Osprey Point Lane property.pdf**
795K

 **MPC Staff Comments opposing rezoning of Osprey Point Lane property Oct 2017.docx**
16K

Tim Stewart <tim.stewart30@gmail.com>
Reply-To: tim.stewart30@gmail.com
To: commission@knoxplanning.org
Cc: Bill Hendon <hendonwilliamt@aol.com>, Tim Stewart <tim.stewart30@gmail.com>

Tue, Jul 2, 2019 at 4:37 PM

DATE: July 2, 2019

TO: Knoxville-Knox County Metropolitan Planning Commission Members
City-County Building
Suite 403
[400 Main Street](#)
Knoxville, TN 37902

RE: **File Number: Rezoning --- 7-M-19-RZ (change from O-1 to C-6)**
File Number: Plan Amendment (one-year plan) --- 7-C-19-SP
and 7-C-19-PLAN (change from O to GC)
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12. There is concern about an increased noise level from a proposed commercial business.

We thank the MPC members for considering our reasons for opposing this rezoning proposal.

Sincerely,

Tim Stewart
President, Stonebury Court HOA

--

[Quoted text hidden]

2 attachments



July 5, 2012 Rezoning agreement from Chris Brown for Osprey Point Lane property.pdf
795K



MPC Staff Comments opposing rezoning of Osprey Point Lane property Oct 2017.docx
16K

CHRIS E. BROWN
C.E. BROWN PROPERTIES
1619 SCHAEFFER ROAD
KNOXVILLE, TN 37932

July 5, 2012

Stonebury Court HOA
c/o Mr. Tim Stewart
9615 Levens Way
Knoxville, TN 37922

Re: *Zoning of property at Pellissippi Parkway and Osprey Drive*

Dear Mr. Stewart:

Following up on our several conversations and pursuant to our agreement with the residents of Stonebury Court, we will agree to amend the rezoning request for the above project from C6 to O1 and in return your neighborhood association will by letter to MPC announce it supports the rezoning to O1.

O1 zoning will allow the property to be used for a professional office building or a financial institution, such as a bank. These businesses would be conducted during normal business hours. Businesses that concern the HOA are not included in the O1 zoning.

It is our intent that access to and from the development will be at the end closest to Northshore Drive, pursuant to the required approvals from the City of Knoxville and/or TDOT.

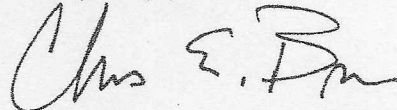
It will not be possible to develop a site plan at this time, since the identity of the tenants and uses of the property other than as stated above and allowed by the O1 zone are not known at this time. It is our intent to develop appropriate landscaping which would screen and buffer the site from the Stonebury Court homes. At present, the right of way for Osprey Point Drive is 150 feet. With the set backs for both the residential and the proposed uses of this property, there should be a 200 foot separation.

We would also endeavor to obtain the agreement of a subsequent purchaser if we are not the ultimate developer.

If this is our agreement please advise me right away.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris E. Brown". The signature is fluid and cursive, with the first name "Chris" being the most prominent.

Chris E. Brown
C.E. BROWN PROPERTIES

CEB:alh

Stonebury Court

By: _____

MPC STAFF COMMENTS

No conditions have changed that warrant amendment of the sector plan map for this site. The current O-1 zoning is consistent with the sector plan and gives the applicant reasonable use of the property. The sector plan was amended in 2012 to allow office uses and this should be maintained. Office use of this site creates an appropriate transition area between commercial uses to the north and residential uses to the south.

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: Improvements to S. Northshore Dr. were recently made to accommodate the Northshore Town Center development to the north. However, these improvements do not change the future land use proposal for this site. The zoning and development pattern for this area is established and appropriate as is. Commercial uses in this area need to be limited to the Town Center and other commercially zoned areas east of I-140. There is currently no commercial zoning on the side of S. Northshore Dr., east of I-140.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately designates this site for office uses, consistent with the current O-1 zoning. Office uses are appropriate at this location as a transition between commercial uses and I-140 to the north and east and residential uses to the south. The Southwest County Sector Plan was recently updated in 2016. City Council adopted the updated sector plan on October 24, 2016.

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

There has been no change in public policy that warrants the requested amendment to the sector plan. The update of the Southwest County Sector Plan in 2016 continued to maintain that office uses are most appropriate for this site.

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

No new information or trends have emerged that would reveal the need for a plan amendment at this particular location. This site was reviewed and approved for office uses in 2012 and the update of the Southwest County Sector Plan maintained that designation for this site based on the information that was available during those reviews.

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, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

If approved, this item will be forwarded to Knoxville City Council for action on 11/7/2017 and 11/21/2017. 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.

ESTIMATED TRAFFIC IMPACT: Not required.
Not applicable.

ESTIMATED STUDENT YIELD:

10/5/2017 03:47 PM
MICHAEL BRUSSEAU
10-C-17-SP
FILE #:
AGENDA ITEM #:
44
44-2
PAGE #:



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Letter stating HOA opposition to Rezoning request File Number 7-M-19-RZ and Plan Amendment 7-C-19-SP and 7-C-19-PLAN

1 message

Tim Stewart <tim.stewart30@gmail.com>

Tue, Jul 23, 2019 at 1:26 PM

Reply-To: tim.stewart30@gmail.com

To: Liz Albertson <liz.albertson@knoxplanning.org>, commission@knoxplanning.org

Cc: Bill Hendon <hendonwilliamt@aol.com>, Tim Stewart <tim.stewart30@gmail.com>

DATE: July 23, 2019

TO: Liz Albertson, MPC Senior Planner and Knoxville-Knox County Metropolitan Planning Commissioners

City-County Building

Suite 403

400 Main Street

Knoxville, TN 37902

**RE: File Number: Rezoning --- 7-M-19-RZ (change from O-1 to C-6)
File Number: Plan Amendment (one-year plan) --- 7-C-19-SP
and 7-C-19-PLAN (change from O to GC)**

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Requested zoning: C-6 (General Commercial Park)

Proposed use: Mix of retail, medical, personal services, etc.

Applicant/Rep: Todd Miller and Lori Wood, TM3 Properties, LLC

Dear Ms. Albertson and MPC Commissioners,

I am Tim Stewart, current president of the Stonebury Court Homeowners' Association. This letter, along with two attachments, is on behalf of our HOA members, as well as neighbors who are Osprey Point Lane land and homeowners.

The referenced rezoning request and one-year Plan Amendment shown above was continued from the July 11, 2019 MPC meeting to the August 8, 2019 meeting. We submitted a statement of opposition at the July 11th meeting and are submitting this letter to reaffirm our opposition. **We fully oppose the rezoning request of the property located on Osprey Point Lane from the current zoning of O-1 to the requested zoning of C-6 as well as the one-year Plan Amendment from O to the requested GC.**

Below are our reasons for opposing this rezoning and plan amendment request:

1. We have an acceptable zoning at present, which we have worked previously with the property owner to maintain -- one which was set and supported by Knox County in 2012. I have attached a letter dated July 5, 2012 that concerns the previous rezoning

request. The letter is from Mr. Chris Brown, who represented the same property owner. Please note that our HOA and Osprey Point Lane neighbors agreed to support the current O-1 zoning for the property to be used for a professional office building or a financial institution. The property owner's new representative is now requesting rezoning to allow for a General Commercial Park that allows retail sales.

2. I have attached MPC staff member notes written by Mr. Michael Brusseau concerning a separate rezoning request in October 2017 to rezone the property from O-1 to C-6. Please note that MPC staff members and commission members opposed the rezoning and cited valid reasons in the notes for rejecting the rezoning request. At the July 11th MPC meeting, Chairwoman Tocher announced that MPC staff had submitted their opposition to the rezoning proposal prior to continuance to the August 8th MPC meeting. No conditions have changed that warrant amendment of the sector plan map for this site.

3. The current zoning does not deter a fair use of the property by the current owner. The property owner must use it in the manner for which it has been agreed.

4. The surrounding and directly affected landowners wish to preserve their community in accordance with the current zoning requirements.

5. Those who will be directly or adversely affected by the proposed rezoning wish the current zone to be maintained.

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12. There is concern about an increased noise level from a proposed commercial business.

We thank the MPC members for considering our reasons for opposing this rezoning proposal.

Sincerely,

Tim Stewart
President, Stonebury Court HOA

--

This message was directed to commission@knoxplanning.org

2 attachments



MPC Staff Comments opposing rezoning of Osprey Point Lane property Oct 2017.docx

16K



July 5, 2012 Rezoning agreement from Chris Brown for Osprey Point Lane property.pdf

795K

MPC STAFF COMMENTS

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COMMENTS:

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ESTIMATED TRAFFIC IMPACT: Not required.
Not applicable.

ESTIMATED STUDENT YIELD:

10/5/2017 03:47 PM
MICHAEL BRUSSEAU
10-C-17-SP
FILE #:
AGENDA ITEM #:
44
44-2
PAGE #:

CHRIS E. BROWN
C.E. BROWN PROPERTIES
1619 SCHAEFFER ROAD
KNOXVILLE, TN 37932

July 5, 2012

Stonebury Court HOA
c/o Mr. Tim Stewart
9615 Levens Way
Knoxville, TN 37922

Re: *Zoning of property at Pellissippi Parkway and Osprey Drive*

Dear Mr. Stewart:

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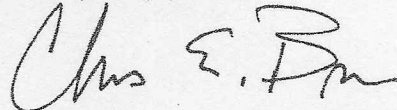
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We would also endeavor to obtain the agreement of a subsequent purchaser if we are not the ultimate developer.

If this is our agreement please advise me right away.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris E. Brown". The signature is written in a cursive, slightly stylized font.

Chris E. Brown
C.E. BROWN PROPERTIES

CEB:alh

Stonebury Court

By: _____



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Request for a Postponement until the August 8th MPC Agenda

Todd Miller <todd@mwdev.com>

Wed, Jul 10, 2019 at 1:48 PM

Reply-To: todd@mwdev.com

To: "commission@knoxplanning.org" <commission@knoxplanning.org>

To whom it may concern,

In regard to the Planning Commission Meeting on July 11, 2019, we would like to request a postponement until the August 8th Planning Commission Meeting.

We have recently started meeting with the residents in the immediate area to address their concerns on the front end of this process. And all parties believe it is best that we continue these talks and draft some specific language to present a development proposal that will address their concerns, and allow the needs of my development to be met as well. We will be in attendance for the July 11, 2019 meeting to formally request this postponement during item #4 on the agenda. Please see below for the information related to this request. Also, please confirm receipt of this notice.

TM3 PROPERTIES, LLC

0 Osprey Point Ln. / Parcel ID 154 L A 012 & 10101, Council District 2.

A. SOUTHWEST COUNTY SECTOR PLAN AMENDMENT (7-C-19-SP)

From O (Office) to GC (General Commercial).

B. ONE YEAR PLAN AMENDMENT (7-C-19-PA)

From O (Office) to GC (General Commercial).

C. REZONING (7-M-19-RZ)

From O-1 (Office, Medical, and Related Services) to C-6 (General Commercial Park).

Thank you for your time and consideration,

Todd Miller

Todd Miller

President & Founder, M&W Development, LLC

(865) 292-5692 | todd@mwdev.com

www.mwdev.com

P.O. Box 10667, Knoxville, TN 37939

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This message was directed to commission@knoxplanning.org