

REZONING REPORT

▶ **FILE #:** 2-E-20-RZ **AGENDA ITEM #:** 7
 POSTPONEMENT(S): 2/13/2020, 3/12/2020 **AGENDA DATE:** 4/9/2020
 ▶ **APPLICANT:** SCOTT DAVIS / MESANA INVESTMENTS, LLC
 OWNER(S): The Biggs Estate

TAX ID NUMBER: 144 114, 115, 116 AND 111.01 [View map on KGIS](#)
 JURISDICTION: County Commission District 5
 STREET ADDRESS: 9127 , 9137, 9141, and 0 Bluegrass Rd.
 ▶ **LOCATION:** West of Ebenezer Rd, east of Pine Springs Rd, off of Bluegrass Rd
 ▶ **APPX. SIZE OF TRACT:** 12.3 acres
 SECTOR PLAN: Southwest County
 GROWTH POLICY PLAN: Planned Growth Area
 ACCESSIBILITY: The applicant has noted that the preferred access is to Bluegrass Road, a minor collector with a pavement width of 20.1 feet within a right-of-way width of 70 feet.
 UTILITIES: Water Source: First Knox Utility District
 Sewer Source: First Knox Utility District
 WATERSHED: Tennessee River

▶ **PRESENT ZONING:** A (Agricultural)
 ▶ **ZONING REQUESTED:** PR (Planned Residential)
 ▶ **EXISTING LAND USE:** Rural residential
 ▶ **DENSITY PROPOSED:** 5 du/ac
 EXTENSION OF ZONE: PR zoning is adjacent to the east up to 3 du/ac
 HISTORY OF ZONING: None noted.
 SURROUNDING LAND USE AND ZONING: North: Single family residential - A (Agricultural) and RA (Low Density Residential)
 South: Single family residential - A (Agricultural)
 East: Agriculture/forestry/vacant - A (Agricultural) and PR (Planned Residential)
 West: Single family residential - RA (Low Density Residential)
 NEIGHBORHOOD CONTEXT: This area consists primarily of single family residential neighborhoods developed as a mix of RA and PR zone districts. Several remaining tracts of large lot agricultural zoned lands are also interspersed throughout.

STAFF RECOMMENDATION:
 ▶ **Approve PR (Planned Residential) up to 3.45 du/ac because it is consistent with the LDR sector plan classification for the Southwest County. (Applicant requested PR up to 5 du/ac)**
COMMENTS:

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:

1. The Southwest County Sector continues to remain one of the fastest growing sectors of Knox County.

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

1. The proposed amendment to PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

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. If rezoned with the maximum density allowed, the development could hold up to 104.5 dwelling units and generate approximately 1519 trips per day, so a traffic impact analysis would be required with the development review.
2. Staff noted access concerns regarding the rezoning because there is a separation between the applicant's proposed access onto Bluegrass Road and the majority of the acreage proposed for rezoning. However, the applicant provided a notarized declaration of right-of-way access between the owner of parcel 144NA003 and Eagle Bend Development, LLC (see Exhibit C). An existing recorded access easement exists between the owners of parcel 144 111 (owners: Hopson) and the owners of the parcels 14411101, 144 114, 144 115, 144 116 (owners: Biggs), (see Exhibit B).
3. Knox County Engineering noted possible concerns regarding sight distance at this location on Bluegrass Road, but also noted these will be addressed during the subsequent development plan review process with the applicant.

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 recommended zoning amendment is not in conflict with any other adopted plans in Knox County.

ESTIMATED TRAFFIC IMPACT: 1519 (average daily vehicle trips)

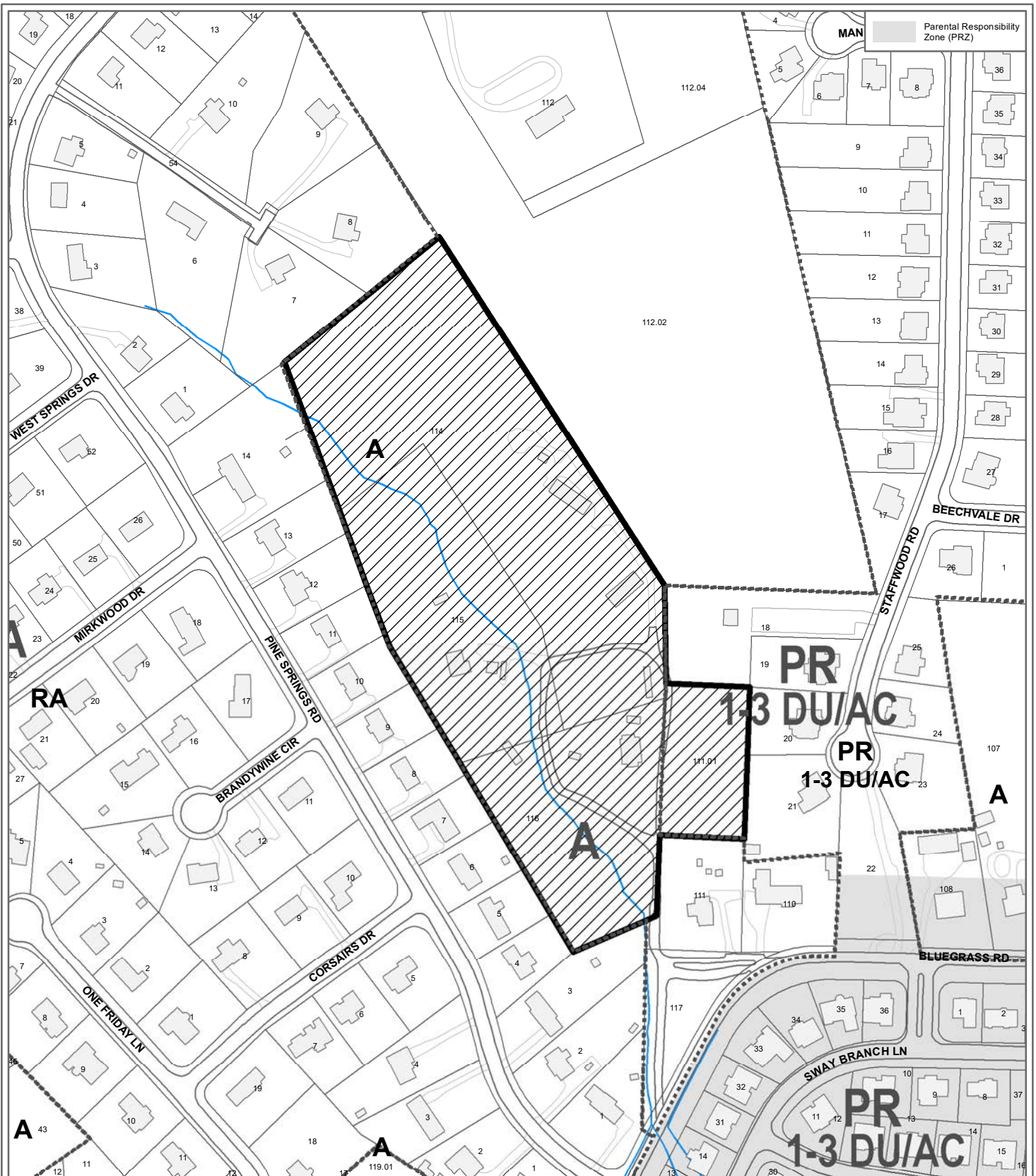
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 25 (public school children, grades K-12)

Schools affected by this proposal: A. L. Lotts Elementary, West Valley Middle, and Bearden High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knox County Commission for action on 3/30/2020. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



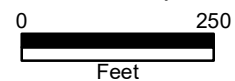
**2-E-20-RZ
REZONING**

From: A (Agricultural)
To: PR (Planned Residential)



Petitioner: Davis / Mesana Investments, LLC, Scott

Map No: 144
Jurisdiction: County



Original Print Date: 1/13/2020 Revised:
Knoxville - Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

2-E-20-RZ, 2-F-20-RZ & 3-H-20-RZ: Exhibit A – Contextual Images

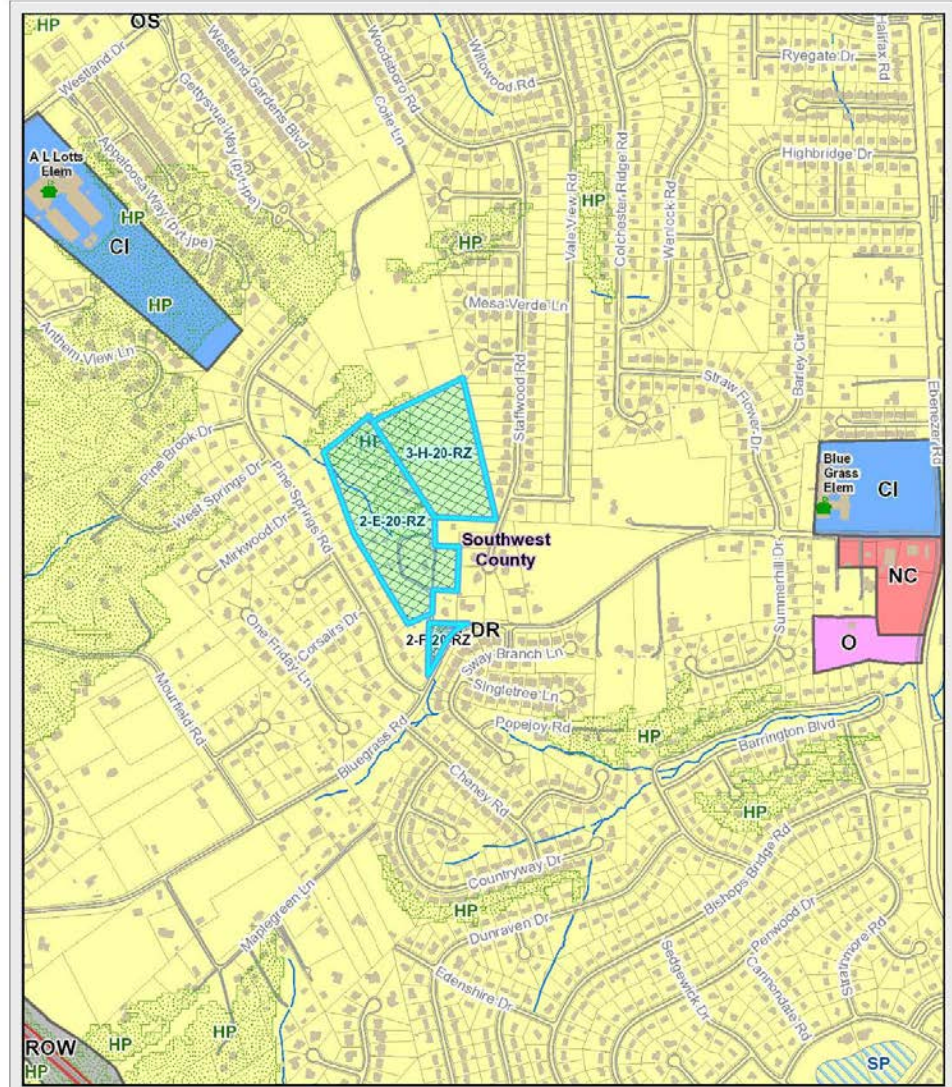


Zoning Map
2-E-20-RZ, 2-F-20-RZ & 3-H-20-RZ

0 400 800 1600
Feet

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Printed: 3/30/2020 3:13:30 PM

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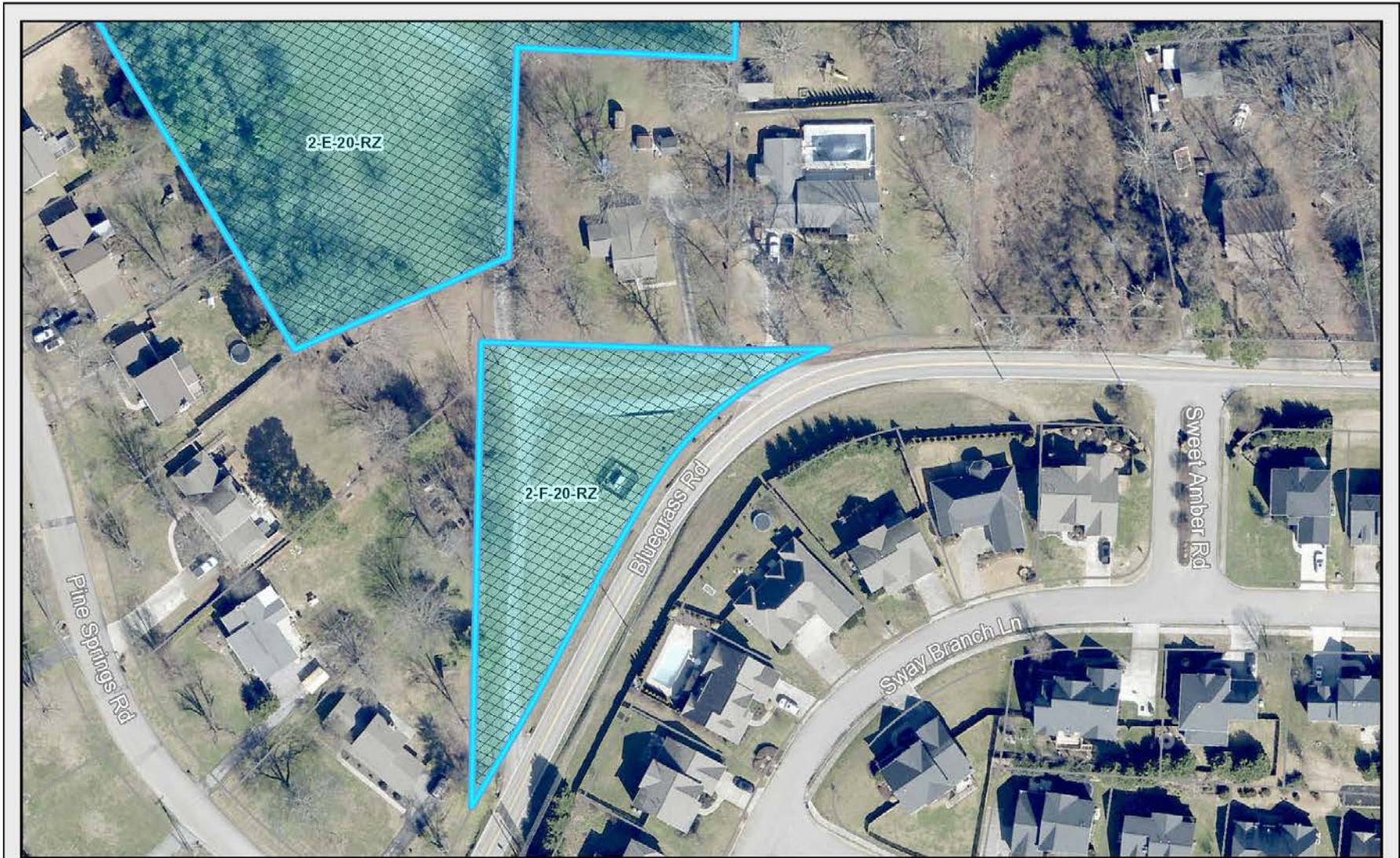
Sector Plan Map
2-E-20-RZ, 2-F-20-RZ & 3-H-20-RZ

0 400 800 1600
Feet

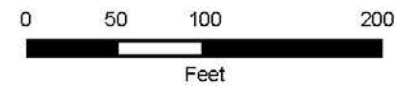
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2-E-20-RZ, 2-F-20-RZ and 3-H-20-RZ: Conceptual Maps



2-E-20-RZ, 2-E-20-RZ & 3-H-20-RZ
Aerial_Access to Bluegrass Road



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2-E-20-RZ, 2-F-20-RZ and 3-H-20-RZ: Conceptual Maps



2-E-20-RZ, 2-F-20-RZ & 3-H-20-RZ: Exhibit B

REGISTER OF DEEDS
KNOX COUNTY

Prepared by:
Myron C. Eiy, Attorney
550 West Main Avenue
Suite 725
Knoxville, Tennessee 37902

DECLARATION OF EASEMENT

THE UNDERSIGNED, ORVILLE BIGGS AND WIFE BONNIE K. BIGGS; ERNEST BIGGS, SR., WIDOWER; and F. PAUL HOPSON AND WIFE MARY R. HOPSON, of Knoxville, Knox County, Tennessee, hereby declare that they are the owners of certain property located in the Sixth Civil District of Knox County, Tennessee, lying on the northwest right of way of Bluegrass Road; being a part of the property acquired by Orville Biggs in Warranty Deed Book 1833, page 644, and Warranty Deed Book 2283, page 824; being a part of the property acquired by Orville Biggs and wife Bonnie K. Biggs in Warranty Deed Book 1767, page 760, and Warranty Deed Book 1790, page 560; a part of the property acquired by Ernest Biggs, Sr. in Warranty Deed Book 1185, page 299, and Warranty Deed Book 1780, page 259; and a part of the property acquired by F. Paul Hopson and wife Mary R. Hopson in Warranty Deed Book 1781, page 915, all of record in the Register's Office for Knox County, Tennessee, and bearing CLT Map Number 144, Parcels 111.01, 113, 114, 115, 116 and 117, and as such hereby declare and grant a portion of said property to be a Joint Permanent Easement for the purpose of ingress and egress and installation of utilities, as shown by survey of Tommy J. Hatmaker, Surveyor, dated 4 February 1998, and revised 9 April 1998 and 14 July 1998, bearing Drawing Number 33599-1, said easement being more particularly bounded and described as follows:

SITUATE in the Sixth Civil District of Knox County, Tennessee, without the corporate limits of the City of Knoxville, Tennessee, and being more fully described as follows:

BEGINNING at an iron pin in the northwest right of way of Bluegrass Road, said iron pin being corner to Lot 41, Pine Springs Subdivision, as set forth in Plat Cabinet E, Slide 171A, in the Register's Office for Knox County, Tennessee, and distant in a northeasterly direction, 87.02 feet from the point of intersection of said Bluegrass Road and Pine Springs Road; thence from said beginning iron pin leaving the right of way of Bluegrass Road and along the boundary of Lots 41, 40 and 39 respectively of said Pine Springs Subdivision, North 3 deg. 50 Min. 00 Seconds East, 306.69 feet to an iron pin; thence North 3 deg. 53 Min. 45 Seconds East, 63.89 feet to an iron pin; thence North 68 deg. 42 Min. 30 Seconds East, 3.23 feet to a point; thence North 4 deg. 34 Min. 08 Seconds East, 403.50 feet to a point; thence North 13 deg. 18 Min. West, 32.2 feet to a point; thence North 1 deg. 24 Min. 35 Seconds East, 61.97 feet to a point; thence North 84 deg. 44 Min. 33 Seconds West, 50.35 feet to a point; thence South 80 deg. 43 Min. 44 Seconds West, 70.89 feet to a point in a curve; thence along said curve as the same curves to the left, said curve having a radius of 20.00 feet, a chord call of South 35 deg. 43 Min. 44 Seconds West, a chord distance of 31.42 feet to a point; thence South 09 deg. 16 Min. 16 Seconds East, 10.00 feet to a point; thence South 80 deg. 43 Min. 44 Seconds West, 25.00 feet to a point; thence North 9 deg. 16 Min. 16 Seconds West, 10.00 feet to a point in a curve; thence along said curve as the same curves to the left, said curve having a radius of 20.00 feet, a chord call of North 54 deg. 16 Min. 16 Seconds West, a chord distance of 31.42 feet to a point; thence South 80 deg. 43 Min. 44 Seconds West, 4.86 feet to a point; thence North 9 deg. 34 Min. 58 Seconds West, 25.00 feet to a point; thence North 80 deg. 43 Min. 44 Seconds East, 144.08 feet to a point; thence South 84 deg. 44 Min. 33 Seconds East, 76.91 feet to a point in the west boundary of the property of Schubert, as set forth in Warranty Deed Book 2191, page 917; thence along the Schubert boundary, South 1 deg. 24 Min. 35 Seconds West, 83.69 feet to an iron pin; thence South 85 deg. 15 Min. 06 Seconds East, 10.00 feet to a point; thence South 4 deg. 34 Min. 08 Seconds West, 280.06 feet to a point in the boundary of Hopson, as set forth in Warranty Deed Book 1781, page 915; thence South 4 deg. 34 Min. 08 Seconds West, 212.42 feet to an iron pin; thence South 85 deg. 19 Min. 00 Seconds East, 173.20 feet to a point in the northwest right of way of Bluegrass

INST: 12342 WB 2296 PG: 393
REC'D FOR REC 08/13/1998 10:49:23 KNOX CO. TN
RECORD FEE: \$ 12.00
MORTGAGE TAX: \$ 0.00 TRANSFER TAX: \$ 0.00

2-E-20-RZ, 2-F-20-RZ & 3-H-20-RZ: Exhibit B

Road; thence along said right of way, South 58 deg. 49 Min. 29 Seconds West, 32.96 feet to an iron pin; thence leaving the right of way of Bluegrass Road, North 5 deg. 00 Min. East, 9.31 feet to an iron pin; thence North 85 deg. 19 Min. 00 Seconds West crossing an iron pin at 18.00 feet for a total distance of 156.53 feet to a point; thence South 3 deg. 50 Min. 00 Seconds West, 255.75 feet to an iron pin in the northwest right of way of Bluegrass Road; thence South 30 deg. 08 Min. 12 Seconds West, 56.42 feet to an iron pin corner to Lot 41, Pine Springs Subdivision, the place of BEGINNING.

In consideration of the conveyance hereinabove made by F. Paul Hopson and wife Mary R. Hopson, the undersigned Orville Biggs and wife Bonnie K. Biggs and Ernest Biggs, Sr. agree to be equally responsible for all costs and expenses associated with maintaining and repairing the existing gravel driveway located on the aforesaid easement and F. Paul Hopson and wife Mary R. Hopson are hereby relieved of any such maintenance obligations.

In further consideration of the conveyance hereinabove made by F. Paul Hopson and wife Mary R. Hopson, Ernest Biggs, Sr. agrees that the certain tract of real property lying west of the aforesaid easement, containing 0.996 acres, as shown on the above referenced Final Plat of Biggs Subdivision, and which is more particularly described in Warranty Deed Book 1780, page 259, in the Register's Office for Knox County, Tennessee, shall be subject to the following restrictive covenants which shall be covenants running with the land and shall be binding on all subsequent owners thereof for a period of thirty (30) years from 1 July 1998.

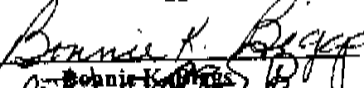
1. The premises shall be used for agricultural or horticultural purposes only.
2. No building or other structure shall be constructed, erected or placed on the property.

The parties further declare and agree that their respective properties shall be held, sold and/or conveyed subject to the terms and conditions of this Declaration of Easement, and that the said easement, maintenance obligations and restrictive covenants shall run with the land and be appurtenant thereto to the extent as set forth hereinabove.


The invalidation of any term, condition or provision of this Declaration of Easement by a judgment or court order shall not in any way affect the other terms, conditions or provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the said Orville Biggs and wife Bonnie K. Biggs, Ernest Biggs, Sr. and F. Paul Hopson and wife Mary R. Hopson have hereunder set their hands and seals this 12th day of August 1998.


Orville Biggs


Bonnie K. Biggs


Ernest Biggs, Sr.


F. Paul Hopson


Mary R. Hopson

2-E-20-RZ, 2-F-20-RZ & 3-H-20-RZ: Exhibit B

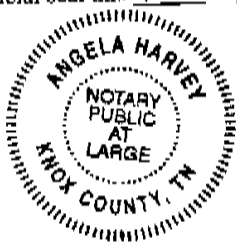
STATE OF TENNESSEE

COUNTY OF KNOX

Personally appeared before me the undersigned Notary Public in and for said County and State, **ORVILLE BIGGS AND WIFE BONNIE K. BIGGS AND ERNEST BIGGS, SR.**, the within named bargainors with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal this 13th day of August 1998.

Angela Harvey
Notary Public



My Commission expires:
My Commission Expires 06/1/02

INST: 12342 WB 2296 PG: 395

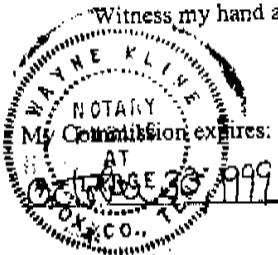
STATE OF TENNESSEE

COUNTY OF KNOX

Personally appeared before me the undersigned Notary Public in and for said County and State, **F. PAUL HOPSON AND WIFE MARY R. HOPSON**, the within named bargainors with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal this 15th day of August 1998.

Wayne Kline
Notary Public



I hereby swear or affirm that the actual consideration or true value of this transfer, whichever is greater, is \$ 50. Affiant [Signature]
Subscribed and sworn to before me this 13 day of Aug, 1998. Deputy Registrar [Signature]

P. 219-C

Certificate of Ownership and General Dedication

I, ORVILLE BIGGS, the undersigned owner of the property shown herein, hereby adopt the plat of subdivision and dedicate the streets as shown to the public use forever and I hereby certify that I and the owner in fee simple of the property and its property owner have an unencumbered right to dedicate right-of-way and/or grant easements as shown on this plat. I further certify that all restrictive covenants, if any, which apply to the lots are either shown on the plan or are referred to therein, with copies of the referred to covenants filed with the Knox County Register of Deeds.

Orville Biggs

Certification of Accuracy of Construction

I hereby certify that I am a surveyor licensed to practice under the laws of the State of Tennessee. I further certify that this plan and information contained herein, including all dimensions and all applicable provisions of the Registration/County Subdivision Act, have been prepared by me or under my direct supervision and that I am a duly licensed and registered surveyor with the Metropolitan Planning Commission, as the requirements for which application has been filed. The latest permanent date of issue of the Survey is July 14, 1998.

T.J. Hatmaker Surveyor

Tennessee Code Title 126, Chapter 1

This is to certify that the subdivision is generally subject to subdivision laws and regulations and that it is to comply with all laws and regulations in Tennessee Code Title 126, Chapter 1, and all laws and regulations of the Tennessee Code Commission and the Tennessee Department of Transportation.

Zoning: Being shown in full on the plan and is to be shown in the zoning map of the zoning map by the Planning Commission as follows:

Zoning shown on Official Map: A-1 Agriculture

Date: 6-26-98

Plat Name: Biggs Subdivision

Plat No: 171A

Plat Date: 6-26-98

Plat Name: Biggs Subdivision

Plat No: 171A

Plat Date: 6-26-98

Subdivision Name and Block Name: Contained Herein Reviewed and Approved: 6-26-98

Date: 6-26-98

By: T.J. Hatmaker

Surveyor

INSTR: 12648 CAB: P SLIDE: 219C
REC'D FOR REC 08/14/1998 11:17:25 KNOX CO. TN
RECORD FEE: \$ 10.00
MORTGAGE TAX: \$ 0.00 TRANSFER TAX: \$ 0.00

COUNTERSIGNED

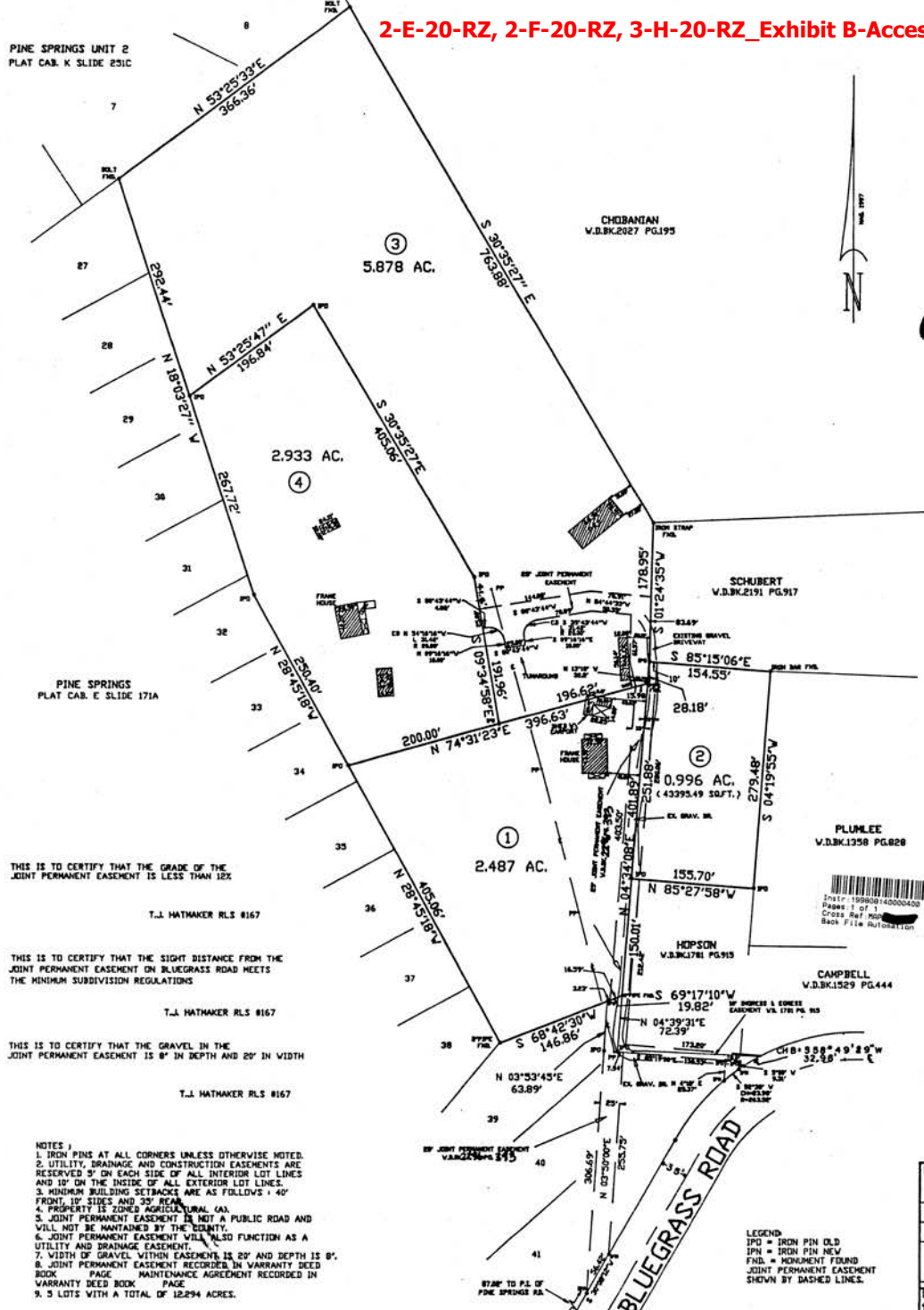
AUG 14 1998

PARK (PERRY) STRADER
DEPUTY COUNTY
PROPERTY ASSESSOR

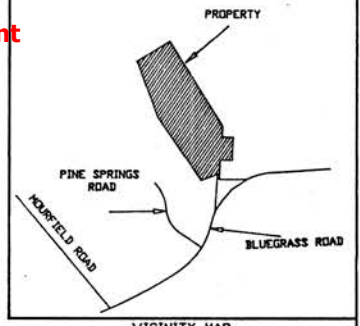
Certification of Class and Accuracy of Survey

I hereby certify that this is a category 1 survey and that the ratio of precision of the unadjusted survey is no greater than 1:15,000 as shown hereon.

T.J. Hatmaker Surveyor
 TN REG. NO. 167



P. 219-C



Aug 2 1998

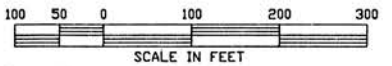
B-A-98

On March 25, 1998, the Knox County Board of Zoning Appeals approved a variance of the Knox County Zoning Resolution for waiver of lot intensity from 1 acre per dwelling to .996 of an acre per dwelling for property located at Bluegrass Road, CLT Map 144 Parcel 111.01 on Lot 2, Biggs Subdivision.

OWNERS:
 ORVILLE, BONNIE AND ERNEST BIGGS
 9130 BLUEGRASS ROAD
 KNOXVILLE, TENNESSEE 37922
 PHONE: (423) 690-7320

WILL BOOK 14 PAGE 378
 V.D.B.K. 1780 PG. 259
 V.D.B.K. 1767 PG. 760
 V.D.B.K. 1807 PG. 372
 V.D.B.K. 1850 PG. 129
 V.D.B.K. 1790 PG. 560 &
 V.D.B.K. 1185 PG. 299

EXISTING EASEMENTS:
 V.D.B.K. 1850 PG. 128 & 129
 V.D.B.K. 1780 PG. 259
 V.D.B.K. 1781 PG. 915



3-58-98-F M556377D

FINAL PLAT OF

BIGGS SUBDIVISION

| | | | | |
|---|--------------|--------------------|----------|----------------|
| SCALE | 1" = 100' | 6TH CIVIL DISTRICT | DRAWN BY | MM |
| DATE | FEB. 4, 1998 | KNOX COUNTY, | REVISED | APRIL 3, 1998 |
| | | TENNESSEE | | JULY 14, 1998 |
| CLT MAP 144 PARCELS 111.01, 113, 114, 115 & 116 | | | | |
| 9130 BLUEGRASS ROAD - KNOXVILLE, TENNESSEE | | | | |
| T.J. HATMAKER AND ASSOCIATES 875-1555 | | | | DRAWING NUMBER |
| 10400 COGDILL RD. KNOXVILLE, TN. 37932 | | | | 33599-1 |

LEGEND:
 IPD = IRON PIN OLD
 IPN = IRON PIN NEW
 FNL = MARKMENT FOUND
 JOINT PERMANENT EASEMENT SHOWN BY DASHED LINES.

March 15, 2020

DECLARATION OF RIGHT OF WAY ACCESS

Eagle Bend Development, LLC, a Tennessee limited liability company and or assigns, and Patricia W. Wilson, Owner, declares that she is the owner of certain property located at 1540 Pine Springs Road, Knoxville, Tennessee, to be known and designated as part of Pine Springs Subdivision and as such Owner hereby declares the portion of such property known as CLT Map 144, Insert N, Group A, Parcel 3 as recorded in the Knox County Register of Deeds office. Patricia W. Wilson hereby grants to Eagle Bend Development, fee simple, a 40' wide rear portion of Parcel 3 (See Attached Exhibit A) hereinbefore described for Right Of Way access to the adjacent Biggs property, CLT Map 144, Parcel 116. The Right of Way access will be used for a road, necessary utility services and drainage. For said part portion of Parcel 3, Eagle Bend Development, LLC agrees to the following all at no cost to Mrs. Patricia W. Wilson: Eagle Bend Development, LLC will

1. Connect your home's sewer, with at least two clean outs, to the sewer manhole in the back right corner of your property. To be completed within 60 days following the closing of the Biggs property. We are aware of the existing 220 electrical line going to the hot tub.
2. Install a temporary fence along the mid portion of your back yard, approximately where the existing shed is located.
3. Remove the existing fence along the back property line and a portion of the side yard fencing.
4. Install large drainage culverts along your back property line.
5. Fill the back portion of your yard level with the proposed new road going into the Biggs property.
6. Install new wood or chain link fencing along the back property line with a wooden slide gate and landscaping.
7. Provide paved access, with a curb cut, from your back yard to the new proposed road.
8. Be responsible for all associated fees and expenses.

2-E-20-RZ, 2-F-20-RZ & 3-H-20-RZ: Exhibit C - Declaration of Right of Way Access

March 15, 2020

DECLARATION OF RIGHT OF WAY ACCESS

Eagle Bend Development, LLC, a Tennessee limited liability company and or assigns, and Patricia W. Wilson, Owner, declares that she is the owner of certain property located at 1540 Pine Springs Road, Knoxville, Tennessee, to be known and designated as part of Pine Springs Subdivision and as such Owner hereby declares the portion of such property known as CLT Map 144, Insert N, Group A, Parcel 3 as recorded in the Knox County Register of Deeds office. Patricia W. Wilson hereby grants to Eagle Bend Development, fee simple, a 40' wide rear portion of Parcel 3 (See Attached Exhibit A) hereinbefore described for Right Of Way access to the adjacent Biggs property, CLT Map 144, Parcel 116. The Right of Way access will be used for a road, necessary utility services and drainage. For said part portion of Parcel 3, Eagle Bend Development, LLC agrees to the following all at no cost to Mrs. Patricia W. Wilson: Eagle Bend Development, LLC will

1. Connect your home's sewer, with at least two clean outs, to the sewer manhole in the back right corner of your property. To be completed within 60 days following the closing of the Biggs property. We are aware of the existing 220 electrical line going to the hot tub.
 2. Install a temporary fence along the mid portion of your back yard, approximately where the existing shed is located.
 3. Remove the existing fence along the back property line and a portion of the side yard fencing. *(side yard within box on Exhibit A)*
 4. Install large drainage culverts along your back property line.
 5. Fill the back portion of your yard level with the proposed new road going into the Biggs property.
 6. Install new wood or chain link fencing along the back property line with a wooden slide gate and landscaping.
 7. Provide paved access, with a curb cut, from your back yard to the new proposed road.
 8. Be responsible for all associated fees and expenses.
-

2-E-20-RZ, 2-F-20-RZ & 3-H-20-RZ: Exhibit C - Declaration of Right of Way Access

March 15, 2020

PATRICIA W. WILSON

By: *Patricia Wilson*
Its: Owner

EAGLE BEND DEVELOPMENT, LLC

By: *[Signature]* 3/15/20
Its: Chief Manager

STATE OF TENNESSEE
COUNTY OF KNOX

Before me, the undersigned, a Notary Public, of the State and County aforesaid, personally appeared, **Scott Davis**, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who executed the foregoing instrument and acknowledge that the same was voluntarily executed for the purposes therein.

Witness my hand and official seal at my office in Knoxville, Knox County, Tennessee, this 15th day of March, 2020.

Jonathon Staten
NOTARY PUBLIC

My Commission Expires: June 27, 2023



STATE OF TENNESSEE
COUNTY OF KNOX

Before me, the undersigned, a Notary Public, of the State and County aforesaid, personally appeared, **Patricia W. Wilson**, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who executed the foregoing instrument and acknowledge that the same was voluntarily executed for the purposes therein.

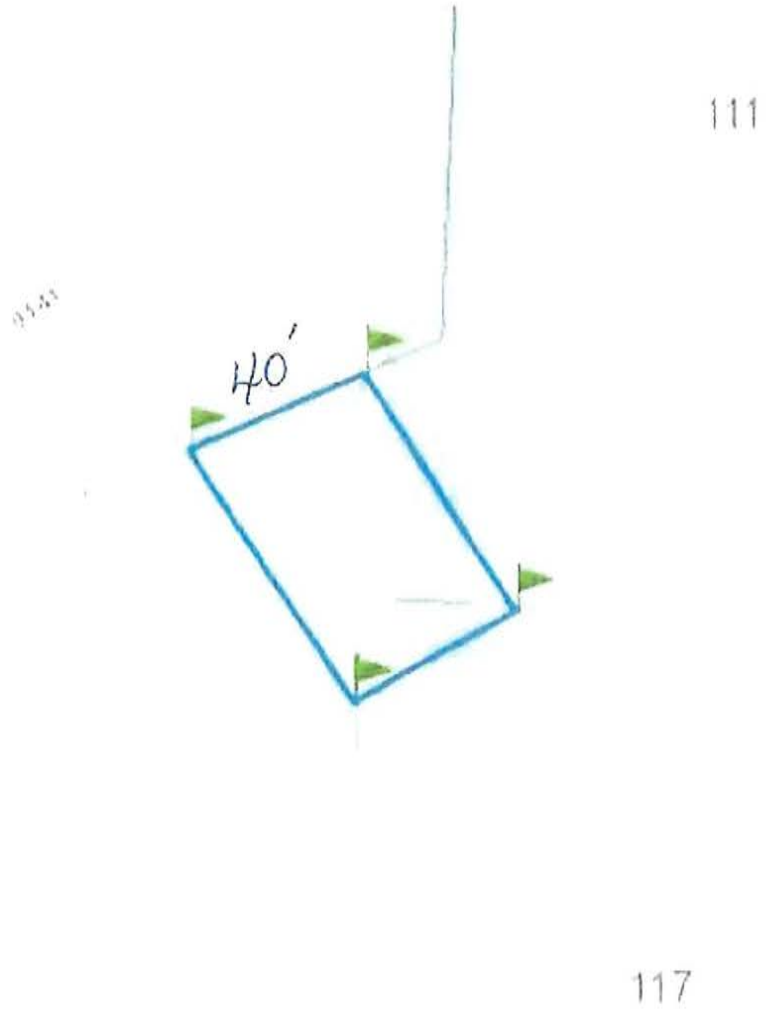
Witness my hand and official seal at my office in Knoxville, Knox County, Tennessee, this 15th day of March, 2020.

Jonathon Staten
NOTARY PUBLIC

My Commission Expires: June 27, 2023



2-E-20-RZ, 2-F-20-RZ & 3-H-20-RZ: Exhibit C - Declaration of Right of Way Access



POSTPONEMENT REQUEST: 30 DAYSFile #: 2-E-20-RZMeeting Date: 3/12/2020

Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Postponement request: 3-H-20-RZ, 2-E-20-RZ, 2-F-20-RZ

Liz Albertson <liz.albertson@knoxplanning.org>

Thu, Mar 12, 2020 at 10:26 AM

Reply-To: liz.albertson@knoxplanning.org

To: Knoxville-Knox County Planning Commission <commission@knoxplanning.org>

FYI - Mr. Davis is also requesting a 30-day postponement of 3-H-20-RZ 2-E-20-RZ 2-F-20-RZ

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

From: **Scott Davis** <swd444@gmail.com>

Date: Thu, Mar 12, 2020 at 10:12 AM

Subject: Re: Please call - March Rezoning

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

Cc: Amy Brooks <amy.brooks@knoxplanning.org>, Drew Staten <drew.staten2019@gmail.com>, Gerald Green <gerald.green@knoxplanning.org>

Liz,

As a follow up to our recent conversation, I spoke with Mrs. Hopson and we respectfully request a postponement to the April meeting for the Bluegrass Road rezoning, as well as the Coile Lane rezoning. I am meeting with Mrs. Hopson again this Sunday to go over their issues and/or concerns.

Thank you,

On Tue, Feb 25, 2020 at 2:31 PM Liz Albertson <liz.albertson@knoxplanning.org> wrote:

Hi Scott -

The general provisions of the Knox County Zoning Ordinance reference the Knoxville-Knox County Minimum Subdivision Regulations related to access to a public road (3.40.02). Recommending an amendment to the zoning map for a zone district to increase the residential building potential of a piece of property that does not have access to a public road/street does not appear to conform with the intent and purpose of the Planned Residential zone district (See sections: 6.30.01.B and 5.13.01).

If you could provide documentation that demonstrates compliance with the access standards of the Knoxville-Knox County Minimum Subdivisions Regulations (See section 3.03.D.3.) for the areas requested to be rezoned from Agricultural to Planned Residential it would be greatly appreciated and would help staff document accessibility of the tracts for increased residential development.

Please feel free to contact me if you have any questions.

Thanks,

-Liz

On Mon, Feb 24, 2020 at 2:12 PM Scott Davis <swd444@gmail.com> wrote:

To my knowledge, this would not need to be rezoned or advertised due to the fact there will not be any homes on this portion of property. You can have a road or ROW in RA connecting to PR.

Thank you.

Scott Davis
865-806-8008

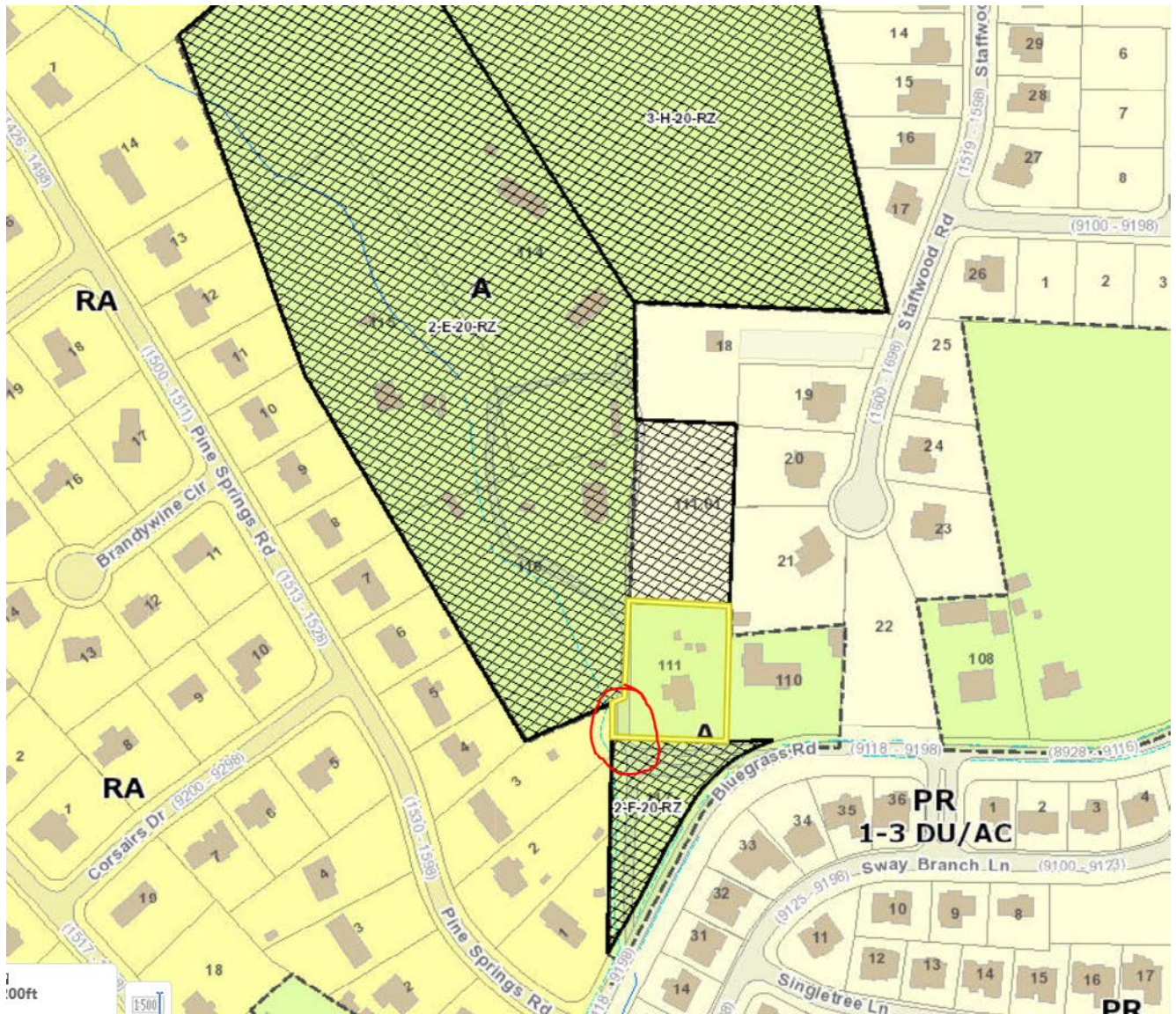
On Mon, Feb 24, 2020 at 12:14 PM Liz Albertson <liz.albertson@knoxplanning.org> wrote:

Hi Scott -

Thanks for messaging back so quickly. I've circled in red the area that I assume you may be seeking access through in some capacity since you mentioned a Bluegrass Road access (see below) -- however, this area hasn't been publically noticed as part of the land area with any of the rezoning applications.

See March agenda cases: <https://www.kgis.org/Maps/PlanningCases.html?layerTheme=0&scale=2400&basemap=em9uaW5n¢er=2538997.6844500224%2C567160.4717551452&layers=1Pocd12MGXNV27EbB02Vu%2F69>

If you want to modify any of your applications to include this additional area, please let me know by close of business on Thursday (2/27/20). Also since this area hasn't been advertised you'll need to request a postponement, modify your application(s) and we'll need to readvertise to include this area. If you have any questions or if I can help in any way, please let me know.



Thanks!

On Mon, Feb 24, 2020 at 11:04 AM Scott Davis <swd444@gmail.com> wrote:

Thank you. We intend to access via Bluegrass Road. We are working with the neighbors there.

Scott Davis
865-806-8008

On Mon, Feb 24, 2020 at 10:53 AM Liz Albertson <liz.albertson@knoxplanning.org> wrote:

Hi Scott -

I have some questions regarding access for the upcoming rezonings:

3-H-20-RZ
2-E-20-RZ
2-F-20-RZ

We met as a staff to review these and still have concerns about where the access is going to be since there isn't adequate frontage for any of the property currently shown in the rezonings, except for the one along Bluegrass Rd at 9145 (2-F-20-RZ), but 3-H and 2-E still don't have adequate frontage for access.

Hope to hear from you soon.

Thanks,
-Liz

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Liz Albertson, AICP
Senior Planner
865.215.3804



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

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

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Thank you.

Scott Davis
865-806-8008

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Liz Albertson, AICP
Senior Planner
865.215.3804



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

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This message was directed to commission@knoxplanning.org



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Fwd: Case 2-E-20-RZ

Liz Albertson <liz.albertson@knoxplanning.org>

Mon, Feb 3, 2020 at 10:09 AM

Reply-To: liz.albertson@knoxplanning.org

To: Knoxville-Knox County Planning Commission <commission@knoxplanning.org>

Cc: Sherry Michienzi <sherry.michienzi@knoxplanning.org>, Gerald Green <gerald.green@knoxplanning.org>, Amy Brooks <amy.brooks@knoxplanning.org>

Please see the request for postponement below for cases: 2-E-20-RZ and 2-F-20-RZ

Thanks!
-Liz

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

From: **Scott Davis** <swd444@gmail.com>

Date: Mon, Feb 3, 2020 at 9:56 AM

Subject: Re: Case 2-E-20-RZ

To: Liz Albertson <liz.albertson@knoxplanning.org>, Drew Staten <drew.staten2019@gmail.com>

Liz,

I hope you are doing well. I respectfully request the rezoning request for Case 2-E-20-RZ and 2-F-20-RZ be postponed until the March 12th meeting.

Thank you.

Scott Davis
865-806-8008

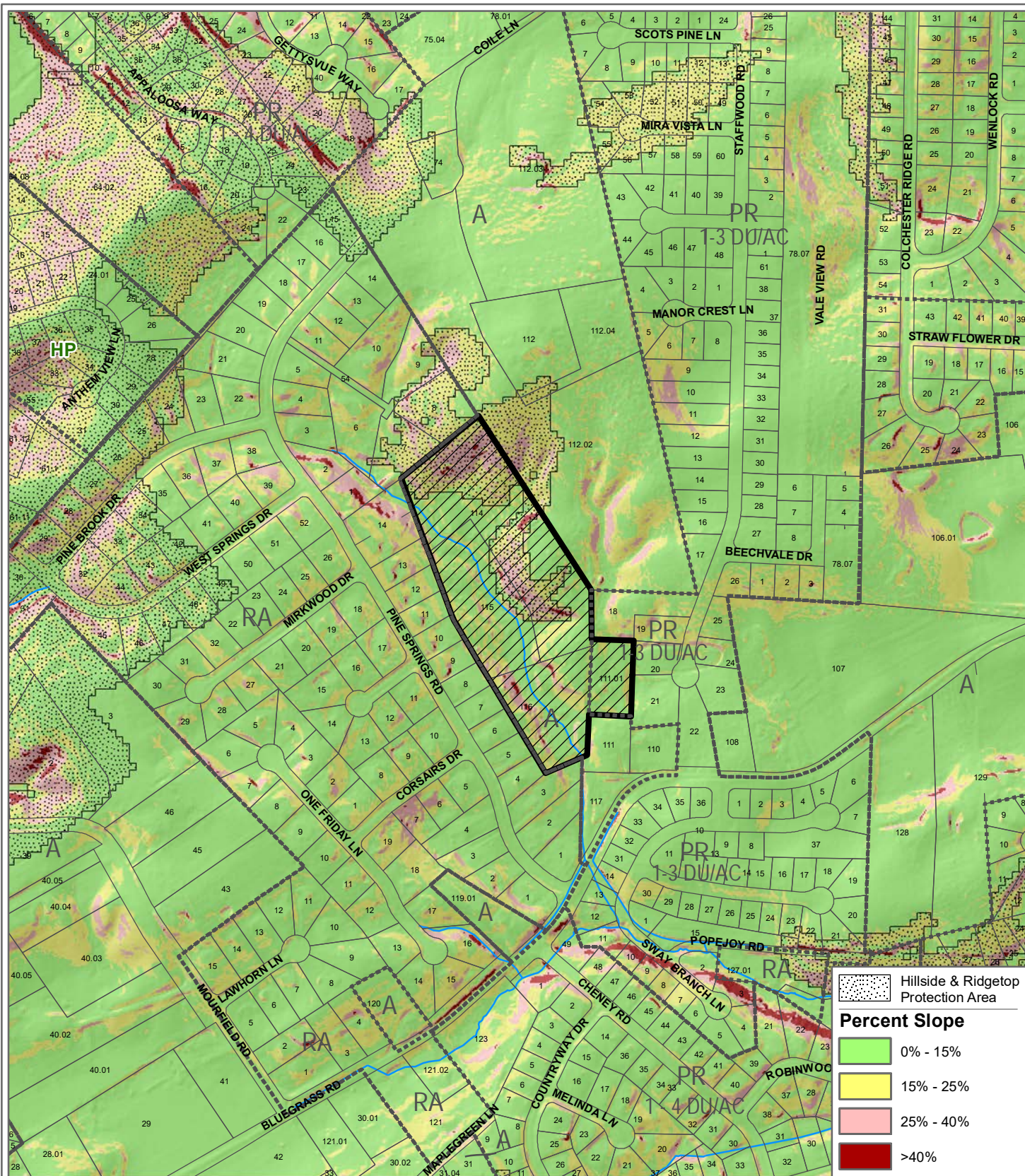


AUTOMATIC POSTPONEMENTS: 30 DAYS

File #: _____ 2-E-20-RZ _____

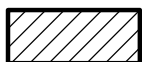
Meeting Date: _____ 2-13-2020 _____

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[Quoted text hidden]



**2-E-20-RZ
REZONING - SLOPE ANALYSIS**

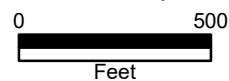
From: A (Agricultural)
To: PR (Planned Residential)



Original Print Date: 1/16/2020 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Davis / Mesana Investments, LLC, Scott

Map No: 144
Jurisdiction: County



2-E-20-RZ Slope Analysis

| | | | |
|--|----------------------|--------------|--------------|
| Non-Hillside Portions | | | Acres |
| | | | 8.96 |
| Hillside and Ridgetop Protection Area | | | |
| Value | Percent Slope | Count | Acres |
| 1 | 0%-15% | 661 | 0.38 |
| 2 | 15%-25% | 2677 | 1.54 |
| 3 | 25%-40% | 2350 | 1.35 |
| 4 | >40% | 114 | 0.07 |
| | | | 3.33 |
| Ridgetop Area | | | 0 |
| Site Total | | | 12.29 |

| CATEGORY | ACRES | RECOMMENDED DENSITY (Dwelling Units / Acre) | NUMBER OF UNITS |
|--|-------------|---|-----------------|
| Non-Hillside | 8.96 | 4.00 | 35.8 |
| 0-15% Slope | 0.38 | 3.00 | 1.1 |
| 15-25% Slope | 1.54 | 2.00 | 3.1 |
| 25-40% Slope | 1.35 | 0.50 | 0.7 |
| Greater than 40% Slope | 0.07 | 0.20 | 0.0 |
| Ridgetops | 0 | 3.00 | 0.0 |
| Subtotal: Sloped Land | 3.34 | | 4.9 |
| Maximum Density Guideline (Hillside & Ridgetop Protection Plan) | 12.3 | 3.31 | 40.7 |
| Proposed Density (Applicant) | 12.3 | 5.00 | 61.5 |

From Hillside & Ridgetop Protection Plan, page 33

LOW DENSITY AND RURAL RESIDENTIAL USES

Density and Land Disturbance Guidelines

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

Table 3: Residential Density and Land Disturbance Guidelines for Recommendations on Changes to the Zoning Map and Development Plan/ Concept Plan Review within the Hillside and Ridgetop Protection Area that is within the Urban Growth and the Planned Growth Area

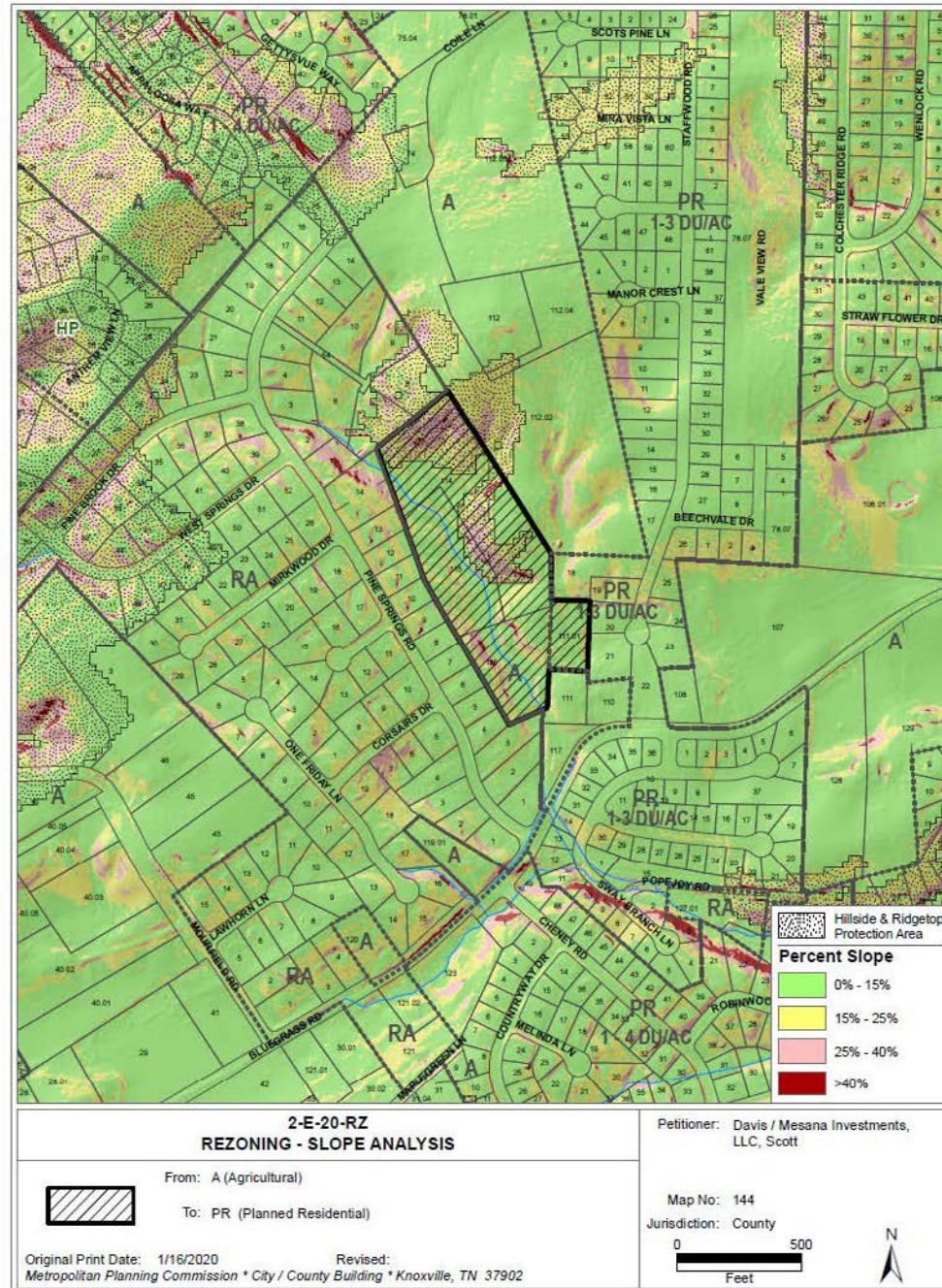
| Percent of Slope | Recommended Maximum Density Factor* | Recommended Maximum Land Disturbance Factor** |
|------------------|--|---|
| 0 - 15 | Knox County: 5 dua City of Knoxville: 6 dua | 100% |
| 15 - 25 | 2 dua | 50% |
| 25 - 40 | 0.5 dua | 20% |
| 40 or more | 0.2 dua | 10% |
| Ridgetops*** | **** | **** |

dua: dwelling units per acre

* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.

** Until such time as regulations are codified by the appropriate legislative body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.

*** Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 - 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.





DEVELOPMENT REQUEST

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
- Rezoning

Mesava Investments, LLC
 Applicant Name Affiliation
12/30/19 2/13/20 2-E-20-RZ
 Date Filed Meeting Date (if applicable) File Numbers(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Scott Davis Mesava Investments, LLC
 Name Company
P.O. Box 11315 Knoxville TN 37939
 Address City State Zip
(865) 606-8008 swd444@gmail.com
 Phone Email

CURRENT PROPERTY INFO

The Biggs Estate 9137 Bluegrass Road, Knoxville, TN 37922
 Owner Name (if different) Owner Address Owner Phone
9127, 9137, 9141, 9145, and 0 Bluegrass Road (144 114), (144 115), (144 116), 144 117, 144 111.01
 Property Address Parcel ID D.S.
Adjacent to Pine Springs S/D off Bluegrass N of 12.3 D.S.
 General Location E of Pine Springs Rd 13 acres (+/-)
5 A/PR 1-3
 Jurisdiction (specify district above) City County Zoning District
Southwest County LDR (Hillside) Planned Growth
 Planning Sector Sector Plan Land Use Classification Growth Policy Plan Designation
Residence/Vacant Land N FUD FUD
 Existing Land Use Septic (Y/N) Sewer Provider Water Provider

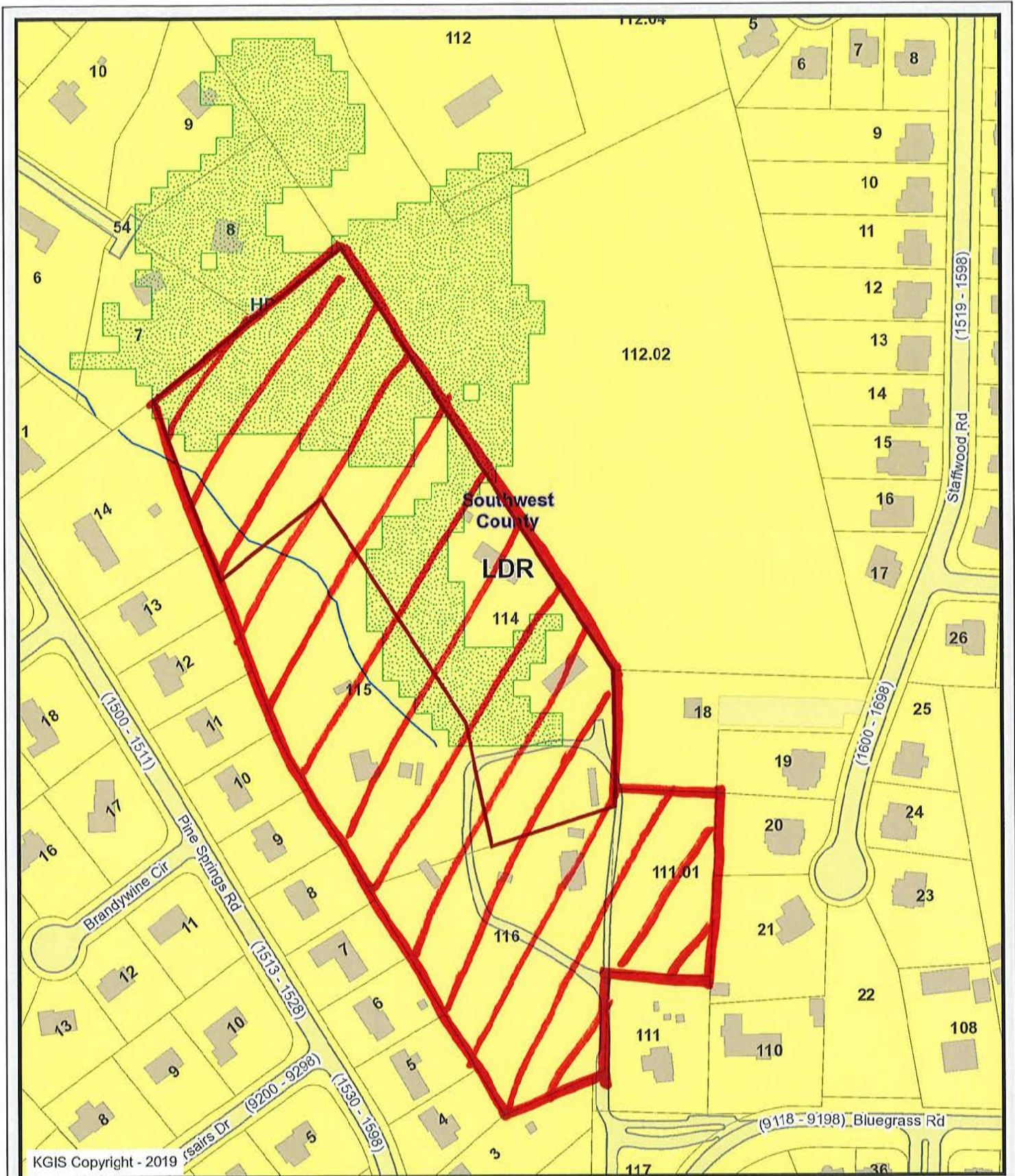
REQUEST

| | | |
|--|--|--|
| DEVELOPMENT | <input type="checkbox"/> Development Plan | <input type="checkbox"/> Use on Review / Special Use |
| | <input type="checkbox"/> Residential | <input type="checkbox"/> Non-Residential |
| | <input type="checkbox"/> Home Occupation (specify): _____ | |
| <input type="checkbox"/> Other (specify): _____ | | |
| SUBDIVISION | <input type="checkbox"/> Proposed Subdivision Name _____ | Unit / Phase Number _____ |
| | <input type="checkbox"/> Parcel Change | |
| | <input type="checkbox"/> Combine Parcels | <input type="checkbox"/> Divide Parcel |
| | Total Number of Lots Created: _____ | |
| <input type="checkbox"/> Other (specify): _____ | | |
| <input type="checkbox"/> Attachments / Additional Requirements | | |
| ZONING | <input checked="" type="checkbox"/> Zoning Change: <u>PR 1-5</u> | Proposed Zoning _____ |
| | <input type="checkbox"/> Plan Amendment Change: _____ | Proposed Plan Designation(s) _____ |
| | <input checked="" type="checkbox"/> Proposed Property Use (specify) <u>Single Family Residential</u> | Proposed Density (units/acre) <u>5</u> |
| | <input type="checkbox"/> Other (specify): _____ | Previous Rezoning Requests _____ |

| | | | | | | |
|----------------|---|--|--|---------------|----------------------|---------------|
| STAFF USE ONLY | PLAT TYPE | <input type="checkbox"/> Staff Review | <input type="checkbox"/> Planning Commission | FEE 1: | | TOTAL: |
| | ATTACHMENTS | <input type="checkbox"/> Property Owners / Option Holders | <input type="checkbox"/> Variance Request | FEE 2: | 1,215. ⁰⁰ | |
| | ADDITIONAL REQUIREMENTS | <input type="checkbox"/> Design Plan Certification (Final Plat only) | <input type="checkbox"/> Use on Review / Special Use (Concept Plan only) | FEE 3: | XX | |
| | <input type="checkbox"/> Traffic Impact Study | | | XX | \$ 1215 | |

AUTHORIZATION By signing below, I certify I am the property owner, applicant or the owners authorized representative.

| | | |
|---|-------------------------|-------------------|
|  | <u>Scott Davis</u> | <u>12-30-2019</u> |
| Applicant Signature | Please Print | Date |
| <u>(865) 806-8008</u> | <u>swd444@gmail.com</u> | |
| Phone Number | Email | |
|  | <u>Erin Kelbly</u> | <u>12-30-2019</u> |
| Staff Signature | Please Print | Date |

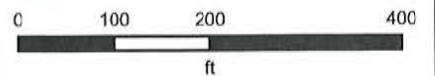


Letter Portrait

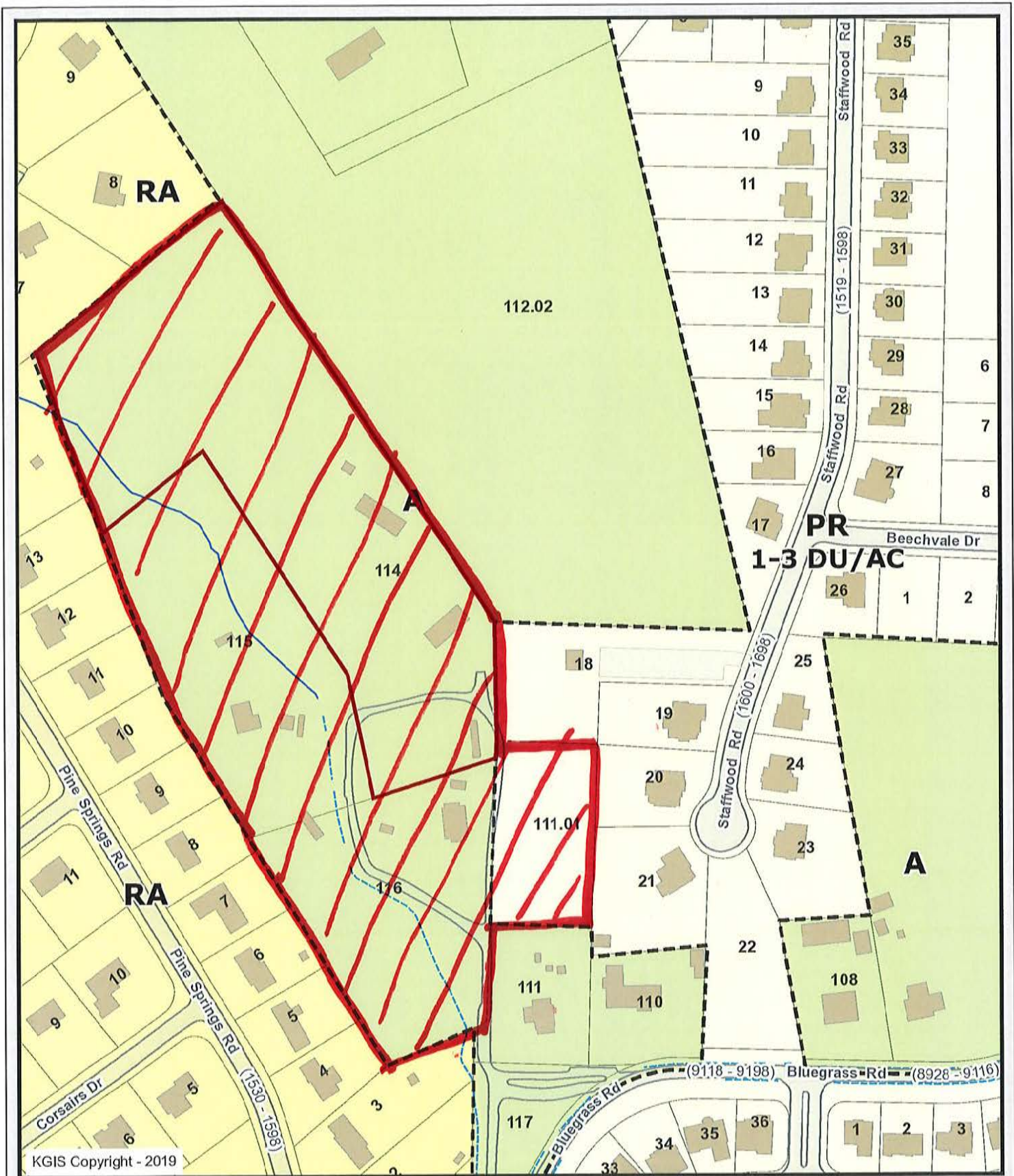
Knoxville - Knox County - KUB Geographic Information System



Printed: 12/30/2019 at 3:10:45 PM



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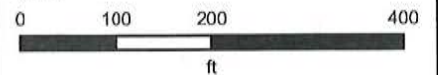
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Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 12/30/2019 at 3:07:19 PM



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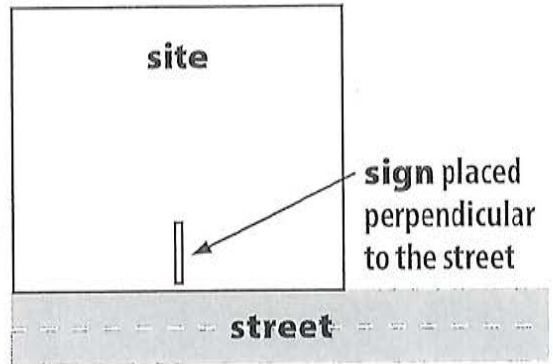
REQUIRED SIGN POSTING AGREEMENT

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 Administrative Rules and Procedures.

At the time of application, 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 Planning 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. Planning 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 Planning Commission 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 Planning Commission 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:

1/30/19 and 2/14/20
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Drew Staker

Printed Name: Drew Staker

Phone: (865) 806-8008 Email: swd444@gmail.com

Date: 12/30/19

File Number: 2-E-20-RZ