



Laura Edmonds <laura.edmonds@knoxplanning.org>

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**[Planning Commission Comment] Agenda Item 9, File No. 10-B-19-SP, 10-8-19-PA, 10-B-19-RZ**

1 message

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**Carlene Malone** <carlene.malone@gmail.com>

Tue, Jan 7, 2020 at 4:45 PM

Reply-To: carlene.malone@gmail.com

To: commission@knoxplanning.org, Gerald Green <gerald.green@knoxplanning.org>

Please see the attached letter from Fountain City Town Hall, Inc., and a 9-11-17 Memorandum from the City Law Dept.

Thank you.

Carlene V. Malone

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"To abandon facts is to abandon freedom...If nothing is true, then all is spectacle.

The biggest wallet pays for the most blinding lights."

[-Timothy Snyder, *On Tyranny*]

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

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**2 attachments**



**Adair Gardens--Jan. 2020.docx**

19K



**Compliance with Plans by the City and MPC.docx**

26K

**TO:** Knox Planning Commission, Gerald Green, Executive Director

**FROM:** Fountain City Town Hall, Inc.

**DATE:** January 7, 2020

**RE: Agenda Item 9, File Numbers: 10-B-19-SP (Adair only), 10-B-19-PA (Adair only), 10-B-19-RZ**

Dear Commissioner:

The Board of Fountain City Town Hall, Inc., asks that you approve the staff recommendation to **deny** the Sector Plan and One Year Plan Amendments from Low Density Residential to General Commercial for property located at 220 Adair Drive, and **deny** the rezoning request from RN-1 and RN-4, to C-G-2, for property located at 220 Adair Drive and 0 Sanders Drive, respectively.

**The planning staff recommendation and report include two significant findings:**

- The requests **fail** to meet the **required standards** for approving a Sector Plan Amendment, a One Year Plan Amendment, or a change in zoning.
- Approving the plan amendments and rezonings will result in adverse impacts.

**Given these findings, the requested plan amendments and rezoning must be denied.**

The 12-19 Plan Amendment Report, Page 9-2, STAFF RECOMMENDATION, and the Plan Amendment/Rezoning Report, Page 9-2, STAFF RECOMMENDATION, respectively, state: ***"Deny the sector plan amendment to General Commercial for 220 Adair Drive because it encroaches on a residential neighborhood."***

And, ***"Deny the One Year Plan amendment to General Commercial for 220 Adair Drive because it encroaches on a residential neighborhood."*** and ***"Deny C-G-2 zoning for both parcels because it encroaches on a residential neighborhood and is not consistent with the North City Sector Plan."***

The 12-19 Plan Amendment/Rezoning Report, Page 9-2, and Page 9-4, COMMENTS, respectively, state: ***"1. The property located at the intersection of Adair Drive and Sanders Drive (parcel 58 M B 022.01) is across the street from both residential and office uses, and the property rounds the corner into the***

*residential neighborhood. The GC (General Commercial) designation for this property allows zoning and land uses that are not compatible with the adjacent detached, single-family houses. LDR (Low Density Residential) or O (Office) land use designations would be more appropriate in this location as they are less intense and therefore less intrusive than GC."*

And, "1. *The rezoning and plan amendment requests would encroach into the residential neighborhood should they be approved, as the property across the street from 0 Sanders Drive (3313 Sanders Drive) is a detached single-family home and is the beginning of residential development."*

"2. *Extending a commercial zone inside this neighborhood would completely change the character of the front of the neighborhood, which has consistent features (i.e., setbacks, architectural standards, and scale)."*

#### **Regarding Conditions:**

The planning staff offers seven conditions to "mitigate potential adverse impacts on the residential neighborhood that abuts these parcels" if the Commission were to approve the requests. Several fundamental issues are raised:

**First**--Assuming it is even possible to attach and enforce conditions, the conditions are clearly inadequate. For instance, requiring a "garden marker and landscaping at the entry to the parking lot off of Adair Drive" will **not** mitigate the adverse impacts caused by the introduction of a commercial driveway and commercial traffic directly on to a residential street.

**Second**--Exactly which application, action and/or document is to be conditioned--the Sector Plan, One Year Plan, the rezoning? Which governmental body is responsible for enforcing these conditions and through what process?

**REZONING:** Conditioning a rezoning appears to be **prohibited** in the new Knoxville zoning ordinance. **Article 16, Zoning Applications, 16.1, D. 1. b. ii,** states: "*For zoning map amendments, the Knox Planning Commission must recommend approval or denial of the application. No conditions may be recommended as part of a zoning map amendment."*

**16.1, D. 2. a. ii**, states: *"For zoning map amendments, the City Council must approve or deny the application. **No conditions may be imposed as part of a zoning map amendment.**"*

**CONDITIONING PLAN AMENDMENTS:** Conditioning adopted plans appears problematic. A Knoxville City Law Dept., Sept. 11, 2017, Memorandum, "The Significance of and Compliance with Plans" concludes: ***"Ultimately, land use decisions by MPC and City Council---namely, use on review and rezoning approvals---are the appropriate place for plans to be considered. The zoning code and zoning map are intended to reflect the plans, and therefore dictate the allowable uses in conformity with the plans. City of Knoxville staff does not examine plans in its administrative role, nor is the staff required to pursuant to state law. In fact, if staff examined plans for every single administrative action it performs, undoubtedly the City would cease to function due to this significant administrative burden."*** Emphasis added. (See attached memo.)

Please approve the staff recommendation to **deny** the plan amendment and rezoning requests.

Thank you for considering our comments.

Yours truly,

Charlotte Davis and Carlene V. Malone, Co-Chairs, FCTH Land Use Committee

865-687-8148

## MEMORANDUM

**To:** Charles Swanson, Law Director  
Gerald Green, MPC Executive Director  
**From:** Crista Cuccaro, Attorney for the City of Knoxville  
**Date:** September 11, 2017  
**Re:** The Significance of and Compliance with Plans

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### Overview

At the recent City Council meeting on August 29, 2017, a proposed rezoning raised questions about the significance of and implementation of plans for the City of Knoxville. Specifically raised at the meeting was the [Hillside Ridgetop Protection Plan](#)<sup>1</sup> (“HRPP”), so that plan is used as an example in this memo with page references in the footnotes.

This memo concludes that plans are applicable when City Council, the Metropolitan Planning Commission, or the Board of Zoning Appeals are making land use decisions on items other than variances—which would include rezonings and uses on review.

### Background and Discussion

The City of Knoxville and Knox County are served by the Knoxville-Knox County Metropolitan Planning Commission (“MPC”), which is a regional planning commission governed by TENN. CODE ANN. § 13-3-101, *et seq.* MPC was established in 1956 when the City of Knoxville (“City”) and Knox County (“County”) passed resolutions recommending the dissolution of their two separate planning organizations and the creation of a new single metropolitan planning commission to serve both the City and Knox County.

MPC is responsible for comprehensive county-wide planning (excluding the Town of Farragut) and administration of zoning and land subdivision regulations. The authority granted to regional planning commissions by state law is defined in broad and general language with respect to planning and development of the region in which it operates. For example, in addition to more specific language in the statute, MPC is also authorized as follows: “[i]n general, the commission has such powers as may be necessary for it to perform its functions and to promote regional planning.” TENN. CODE ANN. § 13-3-104(d). Specifically, MPC is responsible for the following activities, as well as other activities not listed below:

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<sup>1</sup> The County amended the plan to note: “This plan and the principles, objectives, policies and guidelines included herein are advisory in nature and constitute non-binding recommendations for consideration in connection with development of steeply sloped areas. While this plan is being adopted as an amendment to the Knoxville-Knox County General Plan 2033, it is intended to provide background and supplemental information of an advisory nature and to serve as a guide to future MPC staff recommendations, but it is not intended to form an official part of the General Plan which would be binding on future land use decisions by County Commission, MPC, the County Board of Zoning Appeals pursuant to T.C.A. § 13-3-304. Any comparable provisions of the Knoxville-Knox County General Plan 2033 or any Sector Plan which relate to hillside and ridgetop protection shall also be considered advisory consistent with this plan.”

- Conferring with and advising the City and County Mayors and legislative bodies for the purpose of promoting a coordinated and adjusted development of the region, TENN. CODE ANN. § 13-3-104(a);
- Preparing and adopting a general regional plan, TENN. CODE ANN. § 13-3-301(a);
- Reviewing subdivision regulations and site plans, TENN. CODE ANN. § 13-3-401, *et seq.*;
- Preparing, reviewing, and making recommendations on zoning ordinances for consideration by the City Council and the Knox County Commission, *Charter of the City of Knoxville*, Article VIII, § 801 and Knox County Code of Ordinances, Appendix A, § 1.20;
- Preparing five- and fifteen-year comprehensive development plans, and a one-year development plan for the City, *Charter of the City of Knoxville*, Article VIII, § 801; and
- Preparing official zoning maps for the City and Knox County, *Charter of the City of Knoxville*, Article VIII, § 801 and Knox County Code of Ordinances, Appendix A, § 1.20.

In addition to the essential planning functions described above, MPC also performs special purpose studies and analyses of significant issues as requested by the City or Knox County.

Pursuant to its duties under state and local law, MPC has prepared numerous plans for the City of Knoxville and Knox County, including the Knoxville-Knox County [General Plan 2033](#) (“General Plan”), six sector plans, the HRPP, the Tree Conservation and Planting Plan, the Park, Recreation, and Greenways Plan, the Major Road Plan, the Wireless Communication Facilities Plan, the Small Area and Neighborhood Plan, the One Year Plan, and others.

The General Plan is created and adopted pursuant to TENN. CODE ANN. § 13-3-301(a). The other plans noted above are extensions of or supplements to the General Plan, and those plans focus on applying the goals of the General Plan to guide land use development over shorter periods of time. Referred to as the regional plan in state law, the General Plan “**shall** show the regional planning commission’s **recommendations** for development of the territory covered by the plan [...]” and “**may** include [...] a land classification and utilization program” and “a zoning plan for the regulation of the height, area, bulk, location and uses of buildings, the distribution of population, and the uses of land for trade, industry, habitation, recreation, agriculture, forestry, soil and water conservation and other purposes.” (Emphasis added.)

Procedurally, the General Plan is required to be adopted first by MPC. TENN. CODE ANN. § 13-3-303. The legislative body or bodies for which the plan is applicable must also adopt it. TENN. CODE ANN. § 13-3-304. Once the legislative body adopts the General Plan (or by extension, any other plan), then any land use decisions made thereafter by the **legislative body, planning commission, or board of**

**zoning appeals** when the board of zoning appeals is exercising its powers on matters other than variances, must be consistent with the General Plan. *See id.* at 304(b) (emphasis added).

To reiterate, the language dictating the effect of plans states that it only applies to land use decisions of City Council, MPC, or the Board of Zoning Appeals (“BZA”) when it is hearing items other than variances. Because the BZA does not often hear items other than variances, this narrows the applicability of adopted plans to rezonings and uses on review (including appeals of uses on review to City Council). Plans are not applicable in the context of administrative decisions made by staff for the issuance of permits or otherwise.

The scope of applicability for plans is echoed in the HRPP and other plans adopted by the City of Knoxville City Council. For example, the HRPP notes that the topographical maps in the plan “enable the planning commission, city council and county commission to have a process to consider rezoning requests for hillside areas on a consistent basis.”<sup>2</sup> Furthermore, in a section on density recommendations based on the slope of property, the HRPP states that:

“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.”<sup>3</sup>

The density recommendations are qualified further to note that until such time that regulations are codified by the appropriate legislative body, the factors for recommendation should be considered as 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.<sup>3</sup>

Similarly, the Wireless Communication Facilities Plan explains the significance of the use on review approval process for implementing plans: “When telecommunications towers are submitted to MPC as uses on review,” MPC is required to review the towers under specific standards for commercial telecommunications towers and general standards for all uses on review. Among the requirements of the City Zoning Ordinances for approval of a use on review are findings by MPC that any proposed towers are **in harmony with adopted comprehensive plans**. The stated intent of the use on review process is “to integrate properly the uses permitted on review with other uses located in the district.” To accomplish this, MPC routinely attaches design or appearance related conditions to approval of uses on review.

Enacting zoning that requires use on review approval ensures that development in a specific area will be considered pursuant to adopted plans. Upon rezoning property, MPC and City Council are also bound by adopted plans for the City of Knoxville. Principles set forth in the plans should be reflected in the legislative action of rezoning and, ideally, those principles should also be reflected in the text of the zoning code and its regulations.

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<sup>2</sup> At page 31.

<sup>3</sup> At page 33.

<sup>3</sup> At page 33.

**Conclusion**

Ultimately, land use decisions by MPC and City Council—namely, use on review and rezoning approvals—are the appropriate place for plans to be considered. The zoning code and zoning map are intended to reflect the plans, and therefore dictate the allowable uses in conformity with the plans. City of Knoxville staff does not examine plans in its administrative role, nor is the staff required to pursuant to state law. In fact, if staff examined plans for every single administrative action it performs, undoubtedly the City would cease to function due to this significant administrative burden.



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

**[Planning Commission Comment] Fwd: [EXTERNAL EMAIL] Re: Update requested for Adair Drive / Sanders Drive rezoning**

1 message

**Michelle Portier** <michelle.portier@knoxplanning.org>  
Reply-To: michelle.portier@knoxplanning.org  
To: Commission <commission@knoxplanning.org>

Fri, Dec 27, 2019 at 11:40 AM

Good morning Commissioners,

I received the following email regarding 10-B-19-RZ / PA / SP.

Thank you,  
Michelle

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

From: **Patrick O'Neal** <patrick.oneal@leitnerfirm.com>  
Date: Fri, Dec 27, 2019 at 11:18 AM  
Subject: RE: [EXTERNAL EMAIL] Re: Update requested for Adair Drive / Sanders Drive rezoning  
To: Matt McMillan <matt.mcmillan4@gmail.com>, Michelle Portier <michelle.portier@knoxplanning.org>  
Cc: Rachelle Joy <phoenixjoy@icloud.com>

Hi Michelle:

I spoke with Brad Pruitt last week to determine whether Baxter Properties plans to move forward on rezoning or were changing their application to the planned development under the new zoning code. Brad said they planned to move forward with rezoning. The neighborhood met and expressed a willingness to meet/work with the Beer Market and Baxter Properties if they changed their application to a planned development. Since they plan to continue with the rezoning application, it was decided that a meeting would be superfluous. I previously noted in my public comments before the commission meeting in November that the application submitted by Baxter meets none of the requirements for rezoning.

Since the previous staff recommendation was to approve even though none of the requirements were met, seemingly taking into account factors that do not fall within the specified requirements for rezoning, I would like to take the opportunity to point out something that should be considered by the Commission. Approval of this rezoning application would set a clear precedent that commercial developers can engineer a situation, by surreptitiously tearing down a viable historic home, then declaring it as a vacant lot, near a commercial lot, and obtain rezoning without meeting any of the requirements of the zoning ordinances. Baxter created the vacant lot and should not be rewarded for doing so. Further, Baxter's engineering this situation has also given them the option to, in a sense, hold the neighborhood ransom. When we met with Brad and the architects who are designing the proposed Beer Market, Brad conveyed to us that the Beer Market would not move forward with the site without neighborhood support. He said that if the neighborhood was against it, the Beer Market had other sites for their expansion picked out in Fountain City and would have to move forward on one of those other sites. Therefore, it was essentially presented to us as a "devil you know v. devil you don't know" situation because Baxter would move forward with rezoning even if the Beer Market were to move to another site.

All of that to say, the neighborhood has expressed a willingness to work with Baxter and the Beer Market. While the Beer Market has expressed a willingness to work with the neighborhood by providing new drawings and moving the parking lot off of Adair Drive, Baxter plans to continue with rezoning and will not consider changing their application to a planned development. The only conclusion I can draw from that is that they aren't concerned about actually working with the neighborhood to obtain a mutually beneficial result. Providing new drawings and saying you will move a parking lot is great but are worthless under a rezoning application because there would be nothing dictating that the new drawings and plans would have to be adhered to by the developer.

So, now that I am off of my soap box, to answer the questions you posed to Matt below: (1) there have been meetings; (2) those meetings resulted in an impasse; and (3) the only changes pending in the plans are whether Beer Market will pull out of the development without neighborhood support. I believe Brad said he was going on a "sabbatical" or something along those lines (must be nice ha) for the rest of the year so that is likely why you have not heard back from him. If the Beer Market does decide to pull out of the development and pursue another site, will that have any effect on the upcoming meeting?

Regards,

**Patrick O'Neal**  
*Attorney at Law / Associate*  
[vCard](#) | [Bio](#) | [Website](#)

(865) 342-4919 Direct Phone | (865) 523-0404 Main  
(865) 934-4919 Direct Fax | (865) 673-0260 Fax

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**From:** Matt McMillan <[matt.mcmillan4@gmail.com](mailto:matt.mcmillan4@gmail.com)>

**Sent:** Friday, December 20, 2019 2:59 PM

**To:** Michelle Portier <[michelle.portier@knoxplanning.org](mailto:michelle.portier@knoxplanning.org)>

**Cc:** Patrick O'Neal <[patrick.oneal@leitnerfirm.com](mailto:patrick.oneal@leitnerfirm.com)>

**Subject:** [EXTERNAL EMAIL] Re: Update requested for Adair Drive / Sanders Drive rezoning

Michelle,

I missed the last meeting. I am copying Patrick O'Neal who can provide an update.

Regards,

Matt McMillan

On Fri, Dec 20, 2019 at 10:48 AM, Michelle Portier <[michelle.portier@knoxplanning.org](mailto:michelle.portier@knoxplanning.org)> wrote:

Mr. McMillan,

We are in the process of preparing and reviewing staff reports for January's planning commission meeting. Has there been meetings for the development proposed for Adair Dr/Sanders Dr? And if so, do you know if any changes are pending in the plans?

I've reached out to Mr. Pruitt, but have not heard back yet. I'd like to make sure the staff report reflects the most recent plans.

Thank you,

Michelle

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**Michelle Portier, AICP**

Planner

865.215.3821



**Knoxville-Knox County Planning** | [KnoxPlanning.org](http://KnoxPlanning.org)  
400 Main Street, Suite 403 | Knoxville, TN 37902

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**Michelle Portier, AICP**

Planner

865.215.3821



**Knoxville-Knox County Planning** | [KnoxPlanning.org](https://knoxplanning.org)  
400 Main Street, Suite 403 | Knoxville, TN 37902

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



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

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**[Planning Commission Comment] Comments Re: 10-B-19 SP, 10-B-19-PA & 10-B-19-RZ**

1 message

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**'Grant Rosenberg' via Commission** <commission@knoxplanning.org>

Mon, Nov 25, 2019 at 2:14 PM

Reply-To: grant\_rosenberg@yahoo.com

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

Dear Commissioners,

First off: thank you for your service to our City and County. Zoning and land use decisions are not easy and your (unpaid) time and attention to these issues is valuable to our community.

I am writing to voice my SUPPORT of the rezoning of [220 Adair Drive](#) in Fountain City. I live in nearby Harrill Hills and think that a beer garden would be a welcome addition to our community.

Several years ago, my family and I lived in Historic Old North Knoxville, where we had a similar type of "beer garden" establishment pop up down the street. The place became a community gathering spot for neighbors and families, ultimately making us a stronger neighborhood. As a result, Historic ONK has seen property values increase and more quality investments occur along North Central St.

I think that this type of development - a community-gathering place that neighbors and families can walk to - will bring people together and enhance the neighborhood. Quite frankly, I would like to see more places like this throughout Fountain City.

Thank you again for your time and attention to this matter. I hope you will consider these comments in support of this rezoning request.

Grant Rosenberg  
[5424 Dogwood Rd.](#)  
Knoxville, TN 37918

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



Dori Caron <dori.caron@knoxplanning.org>

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## [Planning Commission Comment] Adair and Sanders

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'(null) (null)' via Commission <commission@knoxplanning.org>

Mon, Oct 28, 2019 at 11:10 AM

Reply-To: belindaesham@yahoo.com

To: commission@knoxplanning.org

I strongly oppose the plan amendment for 10-B-19-SP from residential to commercial. This intersection is already too busy. The approved zoning should not change.

Sent from my iPhone

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



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

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**[Planning Commission Comment] Fwd: 220 Adair Rezoning - Case 10-B-19-PA**

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**Gerald Green** <gerald.green@knoxplanning.org>  
Reply-To: gerald.green@knoxplanning.org  
To: Planning Commissioners <commission@knoxmpc.org>

Mon, Oct 7, 2019 at 3:50 PM

FYI

**Gerald Green AICP**  
Executive Director  
**Knoxville-Knox County Planning** | [KnoxPlanning.org](http://KnoxPlanning.org)  
400 Main Street, Suite 403 | Knoxville, TN 37902  
865.215.3758



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

From: **Rachelle Joy** <[phoenixjoy@icloud.com](mailto:phoenixjoy@icloud.com)>  
Date: Mon, Oct 7, 2019 at 3:28 PM  
Subject: 220 Adair Rezoning - Case 10-B-19-PA  
To: <[gerald.green@knoxplanning.org](mailto:gerald.green@knoxplanning.org)>, <[michelle.portier@knoxvplanning.org](mailto:michelle.portier@knoxvplanning.org)>  
Cc: <[Justin.martinez.a@gmail.com](mailto:Justin.martinez.a@gmail.com)>, Kathleen <[havanut@hotmail.com](mailto:havanut@hotmail.com)>, Kim Zaudtke <[kimzaudtke@gmail.com](mailto:kimzaudtke@gmail.com)>, Al Zaudtke <[zaudtke@gmail.com](mailto:zaudtke@gmail.com)>, <[Cpt.redeye.ozh@gmail.com](mailto:Cpt.redeye.ozh@gmail.com)>, Josh Maddox <[jmaddox4@gmail.com](mailto:jmaddox4@gmail.com)>, Ann Richards <[theannrichardsgroup@gmail.com](mailto:theannrichardsgroup@gmail.com)>, <[sjmcmillan15@gmail.com](mailto:sjmcmillan15@gmail.com)>, <[larrydearing@yahoo.com](mailto:larrydearing@yahoo.com)>, <[micheler@bellsouth.net](mailto:micheler@bellsouth.net)>, Lauren Rider <[lrider@knoxvilletn.gov](mailto:lrider@knoxvilletn.gov)>

Ms. Portier and Mr. Green,

My name is Rachelle Joy and I live at [210 Adair Drive](#), just 3 doors down from the property of the proposed zone change of [220 Adair Drive](#). I am completely opposed to changing the residential property to a commercial zone.

We purchased our 93-year-old house in Adair Gardens 3 years ago. We bought it because it was in a historic district and because the previous owner had painstakingly restored it to its former beauty.

We loved that it was in the neighborhood within a short driving distance to shops and services. Therefore, I am confused by what value the commercial proposal brings to our neighborhood:

- The character of the Adair Gardens neighborhood main draw is its historic nature and changing it to a commercial enterprise of a beer garden will ultimately bring down the neighborhood and housing values.

- I am confused when within a short walkable distance to the proposed zone change, there are multiple available commercial properties on Tazewell Pike and Broadway that this enterprise could be rented or built.
- And ultimately, would you want a beer garden in your neighborhood? Open late with loud music and people who had been drinking leaving in their cars driving down your neighborhood street?

Any place can be a mini-mall or shop, but not any place can be a historic neighborhood. Why would you want to devalue something you can never get back? Knoxville is unique because it has endeavored to preserve its history. Use the areas that are commercial already...there are plenty!

Sincerely,

Rachelle Joy

(cell) 206-992-4449

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



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

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**[Planning Commission Comment] Agenda Item 19, 10-B-19-SP, 10-B-19-PA, 10-B-19-RZ**

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**Carlene Malone** <carlene.malone@gmail.com>

Mon, Oct 7, 2019 at 11:28 AM

Reply-To: carlene.malone@gmail.com

To: commission@knoxplanning.org, Gerald Green &lt;gerald.green@knoxplanning.org&gt;

**TO:** MPC Commissioners  
**FROM:** Fountain City Town Hall, Inc.  
**DATE:** October 7, 2019

**TO:** MPC Commissioners  
**FROM:** Fountain City Town Hall, Inc.  
**DATE:** October 7, 2019

**RE: Agenda Item 19, File Numbers: 10-B-19 SP (Adair only), 10-B-19-PA (Adair only), 10-B-19-RZ**

Dear Commissioner:

The Board of Fountain City Town Hall, Inc., asks that you deny the Sector Plan and One Year Plan Amendments from Low Density Residential to General Commercial, and the rezoning request from R-1 to C-3, for property located at [220 Adair Drive](#).

The Board also asks that you deny the rezoning request from R-2 to C-3 for 0 Sanders Drive, and that you consider Office-1 zoning instead.

The staff recommendation does not meet the required standards that must be met for plan amendments and rezonings.

The planning staff recommendation correctly acknowledges that the requests **fail** to meet the required standards. The recommendation admits: **1.** "There are **no** recent changes to conditions that would warrant amending the land use plan"; **2.** "**No** new roads or additional utilities have been introduced in this area"; **3.** "There are **no** obvious or significant errors or omissions in the plan regarding this parcel." ; **4.** "There are **no** new trends in the development pattern that would warrant a plan amendment."

Rather than relying on meeting the required standards for amending a plan, the staff recommendation relies entirely on the fact that: **1.** The land is presently vacant as a result of the present developer/owner recently demolishing a residential building that is part of a historic district on the National Historic Register, and **2.** The parcels are in close proximity to Tazewell Pike, "making them viable commercial properties".

In other words, the staff's recommendation is **not** based on the required standards--changes in conditions or public policy that must be met to warrant a change in the Plan. Instead, the staff's recommendation is based on the extraneous consideration that the property is a viable commercial property.

Using that consideration, which other residential properties are also "viable commercial properties"? Properties in Sequoyah Hills along Kingston Pike, or properties along Sutherland Avenue, Moody Avenue, or along Washington Pike may all meet the "viable commercial property" standard.

[220 Adair Drive](#) is part of a stable residential neighborhood. It is in the residential block, not on a corner. We disagree with the staff's characterization of the proposed Plan and zoning changes as "a minor extension of the CG designation" As proposed, vehicular traffic would be introduced directly on to Adair Dr. from the commercial property. The introduction of commercial zoning and use will negatively impact the stability of this neighborhood. There is no natural or permanent stopping point, such as a street, to form a permanent boundary for commercial zoning along [Adair Dr.](#) [220 Adair](#) faces, and is adjacent to, single-family residential property. The General Plan cautions against creating such development patterns.

The staff recommendation proposes seven conditions to mitigate potential adverse impacts on the residential neighborhood that abuts these parcels. The conditions are clearly inadequate. Further, there is no clear statement as to what exactly is conditioned (Sector Plan? One Year Plan? Zoning?) and who will be responsible for enforcing the conditions.

For these valid reasons, please deny the requested Plan Amendments and rezoning for [220 Adair Dr.](#)

Also of concern is the fact that Condition 2 states: "A 12-foot minimum landscape buffer, in accordance with Landscape Type B in the Landscape Screening Design Guidelines, shall be placed between the parking lot and the adjacent residence" and, Condition 5 states: "There shall be a garden marker and landscaping at the entry to the parking lot off of Adair Drive **per the** Concept B sketch submitted by the applicant (Exhibit B)."

The concern centers around the fact that Exhibit B, Concept B, fails to show the required 15-foot parking lot side-yard setback from the adjacent residential property and fails to show the required 25-foot parking lot setback along Adair Drive. Both setbacks are required under the existing Knoxville zoning ordinance, **Article V, Sec. 7, Off-street Parking, Access, Driveway, and Landscaping Requirements, C. 2., and C.4. b., Location and Setbacks.**

Confusion results when the planning staff recommendation cites, appears to accept, or to give approval to, a document, Exhibit B, "Concept Plans", which fails to meet clear zoning requirements. The confusion continues when it is unclear if all or part of Exhibit B, "Concept Plans" is in any way binding.

**Regarding 0 Sanders Drive:** This property is presently zoned R-2. The dental office that was demolished was an allowed special use in the R-2 zoning district. Since the GC One Year Plan designation permits Office zoning, the Board of FCTH asks that the property be zoned Office-1. Office-1 zoning is consistent with the policies of the adopted plans regarding the protection of residential neighborhoods and is consistent with the Office-1 zoning directly across Sanders Drive.

Thank you for considering our comments. Please contact us with any questions at: 865-687-8148.

Yours truly,  
Charlotte Davis and Carlene Malone, Co-Chairs, Land Use Committee

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"To abandon facts is to abandon freedom...If nothing is true, then all is spectacle.  
The biggest wallet pays for the most blinding lights."  
[-Timothy Snyder, *On Tyranny*]

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10/7/2019

Knoxville - Knox County Planning Mail - [Planning Commission Comment] Agenda Item 19, 10-B-19-SP, 10-B-19-PA, 10-B-19-RZ

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



**Adair Gardens--Oct. 2019.docx**

16K

**TO:** MPC Commissioners  
**FROM:** Fountain City Town Hall, Inc.  
**DATE:** October 7, 2019

**RE: Agenda Item 19, File Numbers: 10-B-19 SP (Adair only), 10-B-19-PA (Adair only), 10-B-19-RZ**

Dear Commissioner:

The Board of Fountain City Town Hall, Inc., asks that you deny the Sector Plan and One Year Plan Amendments from Low Density Residential to General Commercial, and the rezoning request from R-1 to C-3, for property located at 220 Adair Drive.

The Board also asks that you deny the rezoning request from R-2 to C-3 for 0 Sanders Drive, and that you consider Office-1 zoning instead.

The staff recommendation does not meet the required standards that must be met for plan amendments and rezonings.

The planning staff recommendation correctly acknowledges that the requests **fail** to meet the required standards. The recommendation admits: **1.** "There are **no** recent changes to conditions that would warrant amending the land use plan"; **2.** "**No** new roads or additional utilities have been introduced in this area"; **3.** "There are **no** obvious or significant errors or omissions in the plan regarding this parcel." ; **4.** "There are **no** new trends in the development pattern that would warrant a plan amendment."

Rather than relying on meeting the required standards for amending a plan, the staff recommendation relies entirely on the fact that: **1.** The land is presently vacant as a result of the present developer/owner recently demolishing a residential building that is part of a historic district on the National Historic Register, and **2.** The parcels are in close proximity to Tazewell Pike, "making them viable commercial properties".

In other words, the staff's recommendation is **not** based on the required standards--changes in conditions or public policy that must be met to warrant a change in the Plan. Instead, the staff's recommendation is based on the extraneous consideration that the property is a viable commercial property.

Using that consideration, which other residential properties are also "viable commercial properties"? Properties in Sequoyah Hills along Kingston Pike, or properties along Sutherland Avenue, Moody Avenue, or along Washington Pike may all meet the "viable commercial property" standard.

220 Adair Drive is part of a stable residential neighborhood. It is in the residential block, not on a corner. We disagree with the staff's characterization of the proposed Plan and zoning changes as "a minor extension of the CG designation" As proposed, vehicular traffic would be

introduced directly on to Adair Dr. from the commercial property. The introduction of commercial zoning and use will negatively impact the stability of this neighborhood. There is no natural or permanent stopping point, such as a street, to form a permanent boundary for commercial zoning along Adair Dr. 220 Adair faces, and is adjacent to, single-family residential property. The General Plan cautions against creating such development patterns.

The staff recommendation proposes seven conditions to mitigate potential adverse impacts on the residential neighborhood that abuts these parcels. The conditions are clearly inadequate. Further, there is no clear statement as to what exactly is conditioned (Sector Plan? One Year Plan? Zoning?) and who will be responsible for enforcing the conditions.

For these valid reasons, please deny the requested Plan Amendments and rezoning for 220 Adair Dr.

Also of concern is the fact that Condition 2 states: "A 12-foot minimum landscape buffer, in accordance with Landscape Type B in the Landscape Screening Design Guidelines, shall be placed between the parking lot and the adjacent residence" and, Condition 5 states: "There shall be a garden marker and landscaping at the entry to the parking lot off of Adair Drive **per the** Concept B sketch submitted by the applicant (Exhibit B)."

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Thank you for considering our comments. Please contact us with any questions at: 865-687-8148.

Yours truly,  
Charlotte Davis and Carlene Malone, Co-Chairs, Land Use Committee



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

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**[Planning Commission Comment] Fwd: 220 Adair Rezoning - Case 10-B-19-PA**

---

**Michelle Portier** <michelle.portier@knoxplanning.org>  
Reply-To: michelle.portier@knoxplanning.org  
To: Commission <commission@knoxplanning.org>

Mon, Oct 7, 2019 at 9:14 AM

Commissioners,

There are 2 emails in this string in opposition to the rezoning at Adair and Sanders (off Tazewell Pike).

Thank you,  
Michelle

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

From: **Kathleen Peppers** <haveanut@hotmail.com>  
Date: Sat, Oct 5, 2019 at 4:07 PM  
Subject: Fwd: 220 Adair Rezoning - Case 10-B-19-PA  
To: michelle.portier@knoxplanning.org <michelle.portier@knoxplanning.org>

Sent from my iPhone

Begin forwarded message:

**From:** "Kathleen Peppers" <haveanut@hotmail.com>  
**To:** "Ann Richards" <theannrichardsgroup@gmail.com>, "gerald.green@knoxplanning.org" <gerald.green@knoxplanning.org>  
**Cc:** "Justin.martinez.a@gmail.com" <Justin.martinez.a@gmail.com>, "Phoenixjoy@icloud.com" <Phoenixjoy@icloud.com>, "Zaudtke@gmail.com" <Zaudtke@gmail.com>, "Kimberlyzaudtke@yahoo.com" <Kimberlyzaudtke@yahoo.com>, "Cpt.redeye.ozh@gmail.com" <Cpt.redeye.ozh@gmail.com>, "Josh Maddox" <jmaddox4@gmail.com>, "sjmcmillan15@gmail.com" <sjmcmillan15@gmail.com>, "larrydearing@yahoo.com" <larrydearing@yahoo.com>, "micheler@bellsouth.net" <micheler@bellsouth.net>  
**Subject: Re: 220 Adair Rezoning - Case 10-B-19-PA**

All. Please see attached that includes pics. Below is the text portion.

Subject: Adair Rezoning – Case 10-B-19-PA

Date: 05 Oct., 2019

Ms. Portier,

My name is Kathleen Peppers, MSgt USAF Retired, and I am the owner of 210 Adair in Adair Gardens. I attended a meeting last week with other residential owners in Adair Gardens and join them in adamant opposition to the quest for changing our zoning rules to accommodate commercial ventures.

I have taken some pictures to coincide with rationale to support our opposition. You should know that I believe that regardless of this outcome, that safety is paramount to all residents in Knoxville. And, I will continue to collect facts to debate this absurd pursuit-one that is sought for mere financial gain.

Please note the current descriptions and data reflecting Adair Drive and surrounding areas:

1. This is the location where Mr. Baxter is wanting to rezone our residential property into Commercial property. It is the entrance to our historic district. The space being pursued for commercial property will be within 10 feet of the first home in this historic district. The picture

below was the location of a historical home before the developer tore it down prior to pursuing a re-zoning. It is residential and should remain residential.

2. These are only some of our homes-our historical residents, our places of leisure, our homes with children, the elderly, the retired military members and the good citizens of Fountain City. Stop this absurd quest and take your commercial business to a commercially zoned location.

3. Adair Drive: this two-lane narrow road is 8 feet from the white curb line to the yellow center line. That is a total of 16 feet wide. One should note that while this road is often used as an arterial allowing fire trucks, emergency vehicles, etc. that this is barely enough room for routine traffic.

Typical widths of vehicles most commonly found on this road are 6.5 to 7.5 feet wide. That's not much room to spare with an 8-foot-wide capacity. In addition, there are currently only 2 signs warning traffic of potentially alarming conditions.

These signs were added after 2 accidents occurred within 11 months in 2016. One car ended up on our front porch taking out our stairs and the other was car going so fast around the 60-degree curve, it flipped over and slammed into the wall that we share with our neighbor. And no, the 2 signs are not effective now, so with increased traffic, I doubt they become much more reliable. With additional traffic, there will be more accidents that may result in a death next time especially if you add an establishment that it's main business is to sell and serve alcohol.

4. Traffic data: I conducted a study for 3 consecutive weeks. Please note the following data:

1. Mon – Fri: 3:00 - 7:00 PM

1. No fewer than 8 vehicles are in line at the stop sign ending at Adair and Sanders. This is the corner at the location where rezoning is being pursued. Driveways are blocked and very little, if any room is left for emergency vehicles.
2. No fewer than 12 vehicles are in line at Sanders approaching Tazwell Pike. It is by mere courtesy that drivers are taking turns to offer relief from the backup on Adair Drive.

2. Rough Order of Magnitude of current traffic:

1. For 4 hours, there are approximately 120 cars on Sanders per hour going toward Tazwell Pike.
2. For 4 hours, there are approximately 80 cars on Adair Drive per hour going toward Sanders.
3. Approximately 6 cars pass through the intersection on Sanders/Tazwell Pike every 2-3 minutes. Some cars can turn right on red allowing more passage upon occasion.
4. All traffic occurs without adjusting the current residential property into commercial property. Note; any traffic turning right onto Adair Drive must currently use extreme caution due to the traffic flow on Adair Drive.
5. There simply cannot be additional burden to the existing traffic in this small neighborhood.

We don't want a bar, a beer joint or any other commercial facility here. We want what we paid for and where we all call home. Thank you.

Kathleen Peppers

MSgt. USAF, Retired

---

**From:** Ann Richards <[theannrichardsgroup@gmail.com](mailto:theannrichardsgroup@gmail.com)>

**Sent:** Friday, October 4, 2019 7:03 PM

**To:** [gerald.green@knoxplanning.org](mailto:gerald.green@knoxplanning.org) <[gerald.green@knoxplanning.org](mailto:gerald.green@knoxplanning.org)>

**Cc:** [Justin.martinez.a@gmail.com](mailto:Justin.martinez.a@gmail.com) <[Justin.martinez.a@gmail.com](mailto:Justin.martinez.a@gmail.com)>; [Haveanut@hotmail.com](mailto:Haveanut@hotmail.com) <[Haveanut@hotmail.com](mailto:Haveanut@hotmail.com)>; [Phoenixjoy@icloud.com](mailto:Phoenixjoy@icloud.com) <[Phoenixjoy@icloud.com](mailto:Phoenixjoy@icloud.com)>; [Zaudtke@gmail.com](mailto:Zaudtke@gmail.com) <[Zaudtke@gmail.com](mailto:Zaudtke@gmail.com)>; [Kimberlyzaudtke@yahoo.com](mailto:Kimberlyzaudtke@yahoo.com) <[Kimberlyzaudtke@yahoo.com](mailto:Kimberlyzaudtke@yahoo.com)>; [Cpt.redeye.ozh@gmail.com](mailto:Cpt.redeye.ozh@gmail.com) <[Cpt.redeye.ozh@gmail.com](mailto:Cpt.redeye.ozh@gmail.com)>; [Josh Maddox <jmaddox4@gmail.com>](mailto:Josh.Maddox4@gmail.com); [sjmcmillan15@gmail.com](mailto:sjmcmillan15@gmail.com) <[sjmcmillan15@gmail.com](mailto:sjmcmillan15@gmail.com)>; [larrydearing@yahoo.com](mailto:larrydearing@yahoo.com) <[larrydearing@yahoo.com](mailto:larrydearing@yahoo.com)>; [micheler@bellsouth.net](mailto:micheler@bellsouth.net) <[micheler@bellsouth.net](mailto:micheler@bellsouth.net)>

**Subject:** 220 Adair Rezoning - Case 10-B-19-PA

Ms. Portier,

My name is Ann Richards, and I am the owner of [118 Adair Drive](#) in Adair Gardens. I attended the meeting last week to discuss the action on this property that was recently, and expectedly, torn down without notice. It was concluded that we are unanimously opposed, and would like to formally express our strong opposition to the change to commercial zoning requested by Ms. Reynolds.

The existing Office zoning at 3016 Sanders is a transition/barrier to our neighborhood, which begins Adair Gardens in that corner at 220 Adair. A change to Commercial would not provide an appropriate transition to protect a neighborhood that is on the National Historic Register, has been a staple of middle-income housing in Knoxville, and has seen home values increase with the transition to new homeowners that believe in the character and quality of life in Adair Gardens.

Additionally, there are several other concerns that were voiced that we believe justify turning down Ms. Reynold's request:

1. Increased traffic - There are old, narrow roads in Adair Gardens that are not conducive to additional, larger modern vehicle traffic. We already have issues with accidents regularly occurring at Adair/Coile, and the tight turn on Adair in front of 220 Adair, in which the residences have cars that have crashed into their property, even as far as their homes. These roads all lead to the light at Jacksboro/Tazewell next to the property in the request that backs traffic up into the neighborhood daily. I personally have young children that walk on the street to and from the bus stop on Adair to ride the bus to school. There is already too much traffic on our street without the addition of a more commercial business with in and out traffic.
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3. Most concerning is allowing a property owner to come into our neighborhood and purchase a home, only to knock it down without any notice to the neighbors of their intents. Adair Gardens has been through and fought this before with Red Food, after they tore down many perfectly usable homes to only turnaround and try to rezone the neighborhood for Commercial use. We cannot condone similar actions again.

I hope we have conveyed our opposition to the zoning request in a helpful manner for your review. If there is any further information we can provide to make settle this case, please feel free to reach out. My personal mobile number is 865.266.9970

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10/7/2019

Knoxville - Knox County Planning Mail - [Planning Commission Comment] Fwd: 220 Adair Rezoning - Case 10-B-19-PA

[Ann Richards](#)

**Principal Broker & Owner, Realty Executives Associates Elite Properties & Ann Richards Group**

865.415.2485 Office || 865.266.9970 Mobile || 865.247.6982 Fax || [theannrichardsgroup@gmail.com](mailto:theannrichardsgroup@gmail.com) ||

[www.annrichards.com](http://www.annrichards.com) || [127 West Jackson Avenue, Suite 201, Knoxville, Tennessee 37902](#) || "The Key to Your Next Move"

--

**Michelle Portier, AICP**

Planner

865.215.3821



**Knoxville-Knox County Planning** | [KnoxPlanning.org](http://KnoxPlanning.org)

400 Main Street, Suite 403 | Knoxville, TN 37902

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[Quoted text hidden]

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**2 attachments**



**ATT00001.htm**

1K



**adair resident.docx**

2190K

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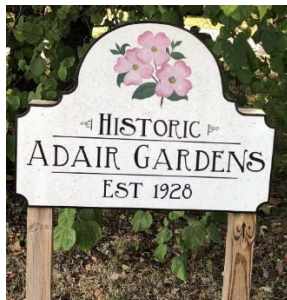
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Kathleen Peppers

MSgt. USAF, Retired





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

---

**[Planning Commission Comment] Fwd: 220 Adair Rezoning - Case 10-B-19-PA**

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**Gerald Green** <gerald.green@knoxplanning.org>  
Reply-To: gerald.green@knoxplanning.org  
To: Planning Commissioners <commission@knoxmpc.org>

Mon, Oct 7, 2019 at 9:04 AM

FYI

**Gerald Green AICP**  
Executive Director  
**Knoxville-Knox County Planning** | [KnoxPlanning.org](http://KnoxPlanning.org)  
400 Main Street, Suite 403 | Knoxville, TN 37902  
865.215.3758



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

From: **Ann Richards** <[theannrichardsgroup@gmail.com](mailto:theannrichardsgroup@gmail.com)>

Date: Fri, Oct 4, 2019 at 10:04 PM

Subject: 220 Adair Rezoning - Case 10-B-19-PA

To: <[gerald.green@knoxplanning.org](mailto:gerald.green@knoxplanning.org)>Cc: <[Justin.martinez.a@gmail.com](mailto:Justin.martinez.a@gmail.com)>, <[Haveanut@hotmail.com](mailto:Haveanut@hotmail.com)>, <[Phoenixjoy@icloud.com](mailto:Phoenixjoy@icloud.com)>, <[Zaudtke@gmail.com](mailto:Zaudtke@gmail.com)>, <[Kimberlyzaudtke@yahoo.com](mailto:Kimberlyzaudtke@yahoo.com)>, <[Cpt.redeye.ozh@gmail.com](mailto:Cpt.redeye.ozh@gmail.com)>, Josh Maddox <[jmaddox4@gmail.com](mailto:jmaddox4@gmail.com)>, <[sjmcmillan15@gmail.com](mailto:sjmcmillan15@gmail.com)>, <[larrydearing@yahoo.com](mailto:larrydearing@yahoo.com)>, <[micheler@bellsouth.net](mailto:micheler@bellsouth.net)>

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Ann Richards

**Principal Broker & Owner, Realty Executives Associates Elite Properties & Ann Richards Group**

865.415.2485 Office || 865.266.9970 Mobile || 865.247.6982 Fax || [theannrichardsgroup@gmail.com](mailto:theannrichardsgroup@gmail.com) || [www.annrichards.com](http://www.annrichards.com) || 127 West Jackson Avenue, Suite 201, Knoxville, Tennessee 37902 || "The Key to Your Next Move"

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



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

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**[Planning Commission Comment] Fwd: 220 Adair Rezoning - Case 10-B-19-PA**

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**Gerald Green** <gerald.green@knoxplanning.org>  
Reply-To: gerald.green@knoxplanning.org  
To: Planning Commissioners <commission@knoxmpc.org>

Mon, Oct 7, 2019 at 9:05 AM

FYI

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Executive Director  
**Knoxville-Knox County Planning** | [KnoxPlanning.org](http://KnoxPlanning.org)  
400 Main Street, Suite 403 | Knoxville, TN 37902  
865.215.3758



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

From: **Patrick O'Neal** <[patrick.oneal@leitnerfirm.com](mailto:patrick.oneal@leitnerfirm.com)>  
Date: Sat, Oct 5, 2019 at 1:41 PM  
Subject: 220 Adair Rezoning - Case 10-B-19-PA  
To: [gerald.green@knoxplanning.org](mailto:gerald.green@knoxplanning.org) <[gerald.green@knoxplanning.org](mailto:gerald.green@knoxplanning.org)>, [michelle.portier@knoxplanning.org](mailto:michelle.portier@knoxplanning.org) <[michelle.portier@knoxplanning.org](mailto:michelle.portier@knoxplanning.org)>  
Cc: [matt.mcmillan4@gmail.com](mailto:matt.mcmillan4@gmail.com) <[matt.mcmillan4@gmail.com](mailto:matt.mcmillan4@gmail.com)>, [koneal@boatlf.com](mailto:koneal@boatlf.com) <[koneal@boatlf.com](mailto:koneal@boatlf.com)>

Good Afternoon,

I, along with my wife Katie (cc'd above: [koneal@boatlf](mailto:koneal@boatlf)), are the owners of [105 Adair Drive](#), a home located in the historic Adair Gardens neighborhood. We both strenuously object to the rezoning of 220 Adair. The following is a summary of our objections; however, it should not be treated as the totality of our objections, as they are many.

We purchased our home in August 2017 because we were attracted to the historical architecture in Adair Gardens and the neighborhoods historical significance. As stated by the Knoxville-Knox County Metropolitan Planning Commission's website, "[z]oning protects the rights of property owners while promoting the general welfare of the community." (See <https://knoxmpc.org/agenda/rezoning-process> ). While I write (and my wife will follow-up), in the interest of protecting my own rights as a property owner, the general welfare of the historic Adair Gardens neighborhood/community is under serious threat.

Again from your website, "[t]he purpose of zoning is to locate particular land uses where they are **most appropriate, considering** public utilities, **road access, and the established development pattern.**" (See *Id.*) Adair Gardens is Fountain City's oldest subdivision, established in 1928 (See <https://www.knoxntoday.com/adair-gardens/> for a description

of the historical significance of Adair Gardens). Clearly, the **most appropriate** land use in a **long established development pattern** in our neighborhood is residential use.

With respect to **road access**, as stated by Mr. McMillan in his previous email, the current state of the road on Adair Drive is insufficient to support the amount of traffic already in place and safety is a constant concern for those of us who live on this street. There are no sidewalks and it is a very narrow road. The driveways of many homes require us to use street parking. Increasing traffic in this area by rezoning 220 Adair for commercial use will not only damage the aesthetic appeal of the neighborhood but will put residents of Adair Gardens, including me and my wife, at further risk of potential property and personal injury. As noted by Mr. McMillan, multiple homes in our neighborhood have already experienced property damage due to the traffic on our street.

Again from your website, "rezonings are justifiable under one of the following three circumstances: (1) When the requested rezoning is consistent with long range land use plans adopted by the appropriate governing body; (2) when there was an error or oversight in the original zoning of the property; and (3) when changes have occurred to conditions in the vicinity of the property which prevent the reasonable use of the property." (See <https://knoxmpc.org/agenda/rezoning-process>). I have reviewed the Plan Amendment/Rezoning Report related to Ms. Reynolds request and notice that none of these three circumstances are present to justify this rezoning. I do not believe the seven conditions proposed by Staff will "mitigate potential adverse impacts on the residential neighborhoods that abut these parcels". From a basic logical standpoint, the rezoning of a residential lot for commercial use is intended to bring a commercial tenant to that lot who is successful, i.e., busy. The drawing submitted as "Exhibit B. Concept Plans" by Ms. Reynolds shows that the proposed use of the lot at 220 Adair will be occupied by a parking lot. The most accessible entry to Adair Drive, where the parking lot will be located, is from the traffic light located at the corner of Adair Drive and Broadway. No matter the size of "landscape buffers" installed, this rezoning would increase traffic flow on our street and, as stated above, cause further risk of potential property and personal injury. The current zoning is appropriate and the extension of C-3 designation to 220 Adair to allow Ms. Reynolds to place a parking lot in a long-established residential neighborhood is in contrast to the statements on your website concerning the purpose of Rezoning.

On Page 19-3 of the Plan Amendment/Rezoning Report, under "THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE" heading, the Report states, "Districts in this category [C-3] are intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Regulations are designed to guide future change so as to discourage formation of future commercial slums." It should be noted that the demolition of 220 Adair was effected by Ms. Reynolds. No notice was provided to the surrounding residents and, while that may not be required, it should weigh against Ms. Reynolds application as this is not "commercial development . . . moving in on vacant land" as it would seem that the description intends but the creation of vacant land by a surreptitious demolition of a historical residence. The residence demolished by Ms. Reynolds was not in such a condition that the only option was demolition. If Ms. Reynolds' application is granted, it will only serve to further the erosion of this historically significant neighborhood and cause responsible, historically-inclined residents to depart. In essence, a piece of history that is significant to the Fountain City area would be adversely affected.

The same Plan Amendment/Rezoning Report (at pg. 19-2 under "STAFF RECOMMENDATION") states, "Staff recommends approval of GC (General Commercial) as the One-Year Plan designation for **220 Adair Drive since it would be a minor extension of the existing GC designation**". I believe this is a mischaracterization of the proposed rezoning approval. Although the Commission might consider this re-zoning to be a minor extension of the existing GC designation based on distance and property lines, that does not take into account the **major effects** of the extension. As detailed above, this would increase the traffic flow and disturb a historically significant neighborhood. It concerns me that the Commission might stamp its approval of this rezoning request based merely on the fact that, from a geographical viewpoint, this is considered "a minor extension". The effects on the current residents and the potential effects on the viability of such a historically significant neighborhood are important and valid considerations for the Commission. As we say in the legal profession, the totality of the circumstances must be considered.

While I could continue with my objections, I believe I have made it clear that the residents of **105 Adair Drive**, my wife and I, strenuously oppose this rezoning. I have also made it clear that we strenuously object to many portions of the Plan Amendment/Rezoning Report. Although you have previously indicated that Mr. McMillan cannot speak on behalf of the residents of Adair Gardens, I will reiterate his point that the entire neighborhood is opposed to this rezoning. Adair

Gardens is historically significant and Ms. Reynolds proposal is both unnecessary and detrimental to such a historically significant neighborhood.

I will be present at the hearing on October 10, 2019, and plan to voice further objection to this proposed rezoning. In the meantime, if you would like further information or I can be of further assistance to you, in any way, feel free to contact me. My contact information is contained in my signature line below.

Regards,

**Patrick O'Neal**  
***Attorney at Law / Associate***  
[| Website](#)

(865) 342-4919 Direct Phone | (865) 523-0404 Main  
(865) 934-4919 Direct Fax | (865) 673-0260 Fax  
[900 S. Gay Street](#), Riverview Tower - Suite 1800 | Knoxville, TN 37902



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



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

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**[Planning Commission Comment] MPC CASE 10-B-19-PA 220 Adair Dr**

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**'Larry Dearing' via Commission** <commission@knoxplanning.org>

Sun, Oct 6, 2019 at 9:54 AM

Reply-To: larrydearing@yahoo.com

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

I was stunned to see that the MPC staff is recommending approval for this zoning request. The developer tore down a house on the National Register of Historic places, in a stable and desirable neighborhood, and now wants the property rezoned for commercial use. This behavior is not illegal, but it is certainly unethical.

Adair Gardens went through a similar experience in 1987 when Red Foods tore down the historic Sanders farmhouse and three other houses on Sanders Dr. and then asked for commercial rezoning. They were strongly rebuked by City Council and were told that such behavior would not be rewarded.

Approving this request would undermine the stability of neighborhoods throughout Knoxville and Knox County by sending a message that residents' investments of money and emotion in their homes is volatile and could crash and burn at any moment because it would be all right for developers to demolish homes, even historic ones, and profit by doing so. A recommendation to approve this inappropriate request is a vote to undermine neighborhood stability and encourage developer ruthlessness.

Larry Dearing  
[200 Adair Dr.](#)  
Past president, Adair Gardens Residents Association

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



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

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**[Planning Commission Comment] Fwd: Rezoning of 220 Adair**

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**Michelle Portier** <michelle.portier@knoxplanning.org>

Fri, Oct 4, 2019 at 4:46 PM

Reply-To: michelle.portier@knoxplanning.org

To: Commission &lt;commission@knoxplanning.org&gt;

Cc: Kim Zaudtke &lt;kimberlyzaudtke@yahoo.com&gt;

Commissioners,

Please find comments on Case 10-B-19-RZ / 10-B-19-PA / 10-B-19-SP below.

Thank you,  
Michelle Portier

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

From: **Kim Zaudtke** <kimberlyzaudtke@yahoo.com>

Date: Fri, Oct 4, 2019 at 4:43 PM

Subject: Fwd: Rezoning of 220 Adair

To: &lt;michelle.portier@knoxplanning.org&gt;

I apologize for getting your email incorrect the first time, please see my statement below.

Kimberly H Zaudtke

Sent from my iPad

Begin forwarded message:

**From:** Kim Zaudtke <kimberlyzaudtke@yahoo.com>**Date:** October 4, 2019 at 4:40:29 PM EDT**To:** michelle.portier@knoxplanning.org, gerald.green@knoxplanning.org**Cc:** matt.mcmillan4@gmail.com, phoenixjoy@me.com,**Subject:** Rezoning of 220 Adair

Dear Mr. Green and Ms. Porter,

My name is Kimberly Zaudtke and I live at [214 Adair Drive](#). I fully support the previous email sent by our association President Matt McMillan. We were so concerned about this issue, that upon receiving notification, our association immediately set up a meeting and collectively came up with the concerns he expressed.

My husband and I have searched all over Knoxville for the past four years to find just the right neighborhood. We feel blessed to have found a home in this unique part of Knoxville, and would like to continue to keep Adair Gardens safe and family friendly.

Historic Adair Gardens is already quite small, and we cherish it. Please consider if you would want such a change after you finally achieved your dream of both community and home ownership. I beseech you, do not allow commercial space to be developed at the end of our block and encroach upon our special community.

Kimberly H. Zaudtke

Adair Gardens Residents Association

10/7/2019

Knoxville - Knox County Planning Mail - [Planning Commission Comment] Fwd: Rezoning of 220 Adair

Sent from my iPad

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**Michelle Portier, AICP**

Planner

865.215.3821



**Knoxville-Knox County Planning** | [KnoxPlanning.org](http://KnoxPlanning.org)  
400 Main Street, Suite 403 | Knoxville, TN 37902

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



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

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**[Planning Commission Comment] Fwd: 220 Adair Rezoning - Case 10-B-19-PA**

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**Michelle Portier** <michelle.portier@knoxplanning.org>

Fri, Oct 4, 2019 at 2:54 PM

Reply-To: michelle.portier@knoxplanning.org

To: Commission &lt;commission@knoxplanning.org&gt;

Opposition letter to case 10-B-19-RZ / 10-B-19-PA / 10-B-19-SP below.

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

From: **Matt McMillan** <matt.mcmillan4@gmail.com>

Date: Fri, Oct 4, 2019 at 2:25 PM

Subject: 220 Adair Rezoning - Case 10-B-19-PA

To: &lt;michelle.portier@knoxplanning.org&gt;

Cc: Lauren Rider &lt;l rider@knoxvilletn.gov&gt;, Gerald Green &lt;gerald.green@knoxplanning.org&gt;

Ms. Portier,

My name is Matt McMillan, and I am the current President of the Adair Gardens Residents Association. Upon seeing this zoning request added to the preliminary agenda for the October 10th meeting, we met last week as a group to discuss the action on this property that was recently, and expectedly, torn down without notice. It was concluded that we are unanimously opposed, and would like to formally express our strong opposition to the change to commercial zoning requested by Ms. Reynolds in this case.

I have previously spoken with Gerald and Lauren Rider concerning the potential rezoning at 220 Adair. In our conversation, it was discussed the current zoning in-place is most appropriate to the area. The existing Office zoning at 3016 Sanders is a transition/barrier to our neighborhood, which begins Adair Gardens in that corner at 220 Adair. A change to Commercial would not provide an appropriate transition to protect a neighborhood that is on the National Historic Register, has been a staple of middle-income housing in Knoxville, and has seen home values increase with the transition to new homeowners that believe in the character and quality of life in Adair Gardens.

Additionally, there are several other concerns that were voiced that we believe justify turning down Ms. Reynold's request:

1. Increased traffic - There are old, narrow roads in Adair Gardens that are not conducive to additional, larger modern vehicle traffic. We already have issues with accidents regularly occurring at Adair/Coile, and the tight turn on Adair in front of 220 Adair, in which the residences have cars that have crashed into their property, even as far as their homes. These roads all lead to the light at Jacksboro/Tazewell next to the property in the request that backs traffic up into the neighborhood daily.
2. Unknown Commercial Consequences - Without being able to know who the tenant will always be on either parcel, we feel Commercial zoning provides far too much leeway for businesses to setup that would be guaranteed by zoning right to be on those properties, while not necessarily being appropriate to be next to a small neighborhood, whether it be noise, traffic, odors, etc.
3. Most concerning is allowing a property owner to come into our neighborhood and purchase a home, only to knock it down without any notice to the neighbors of their intents. Adair Gardens has been through and fought this before with Red Food, after they tore down many perfectly usable homes to only turnaround and try to rezone the neighborhood for Commercial use. We cannot condone similar actions again.

I hope we have conveyed our opposition to the zoning request in a helpful manner for your review. If there is any further information we can provide to make settle this case, please feel free to reach out.

Regards,

Matt McMillan  
(865) 548-4449 - cell

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**Michelle Portier, AICP**  
Planner

10/4/2019

Knoxville - Knox County Planning Mail - [Planning Commission Comment] Fwd: 220 Adair Rezoning - Case 10-B-19-PA

865.215.3821



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[Quoted text hidden]