



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] RE: Metro Trailer Repair Service - File Nos. 8-F-20-RZ & 8-B-20-RZ - Date of Meeting - 10.8.20**Wayne A. Kline** <WKline@hdclaw.com>

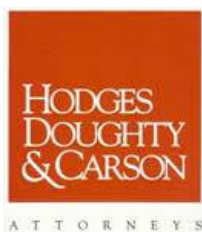
Tue, Sep 29, 2020 at 11:40 AM

Reply-To: wkline@hdclaw.com

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

Cc: "Michelle.portier@knoxplanning.org" <Michelle.portier@knoxplanning.org>, "Metrotrailers1@yahoo.com" <Metrotrailers1@yahoo.com>

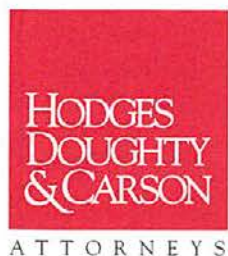
Attached please find correspondence and attachments regarding the above-referenced matter.

**Wayne A. Kline**617 Main Street
Post Office Box 869
Knoxville, TN 37901-0869
Telephone: 865-292-2307
Facsimile: 865-292-2321Email: wkline@hdclaw.com<http://www.hdclaw.com>

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This message was directed to commission@knoxplanning.org**4 attachments****image003.jpg**
24K **Ltr to MPC Commissioners.pdf**
1117K **Metro Trailers - Utility Laboratories Testing.pdf**
107K **Metro Trailers - Petitions In Favor of Rezoning Industrial.pdf**
583K



EDWARD G. WHITE II
THOMAS H. DICKENSON
J. WILLIAM COLEY
T. KENAN SMITH
WAYNE A. KLINE
B. CHASE KIBLER
JOSHUA M. BALL
JOSHUA J. BOND
LISA J. HALL
DONALD J. FARINATO
MABERN E. WALL
BART C. WILLIAMS
LYNDSEY L. LEE
JAMES F. PARKER
COURTNEY P. WALKER

OF COUNSEL
J. MICHAEL HAYNES
ROY L. AARON
DEAN B. FARMER
ALBERT J. HARB

RETIRED
DOUGLAS L. DUTTON
WILLIAM F. ALLEY, JR.
ROBERT R. CAMPBELL
JOHN W. WHEELER
DALTON L. TOWNSEND
DAVID N. WEDEKIND
JULIA S. HOWARD
HIRAM G. TIPTON

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

September 29, 2020

Commissioners
Knoxville-Knox County Planning
400 Main Street, Suite 403
Knoxville, TN 37902
commission@knoxplanning.org

RE: Metro Trailer Repair Service
File Nos. 8-F-20-RZ and 8-B-20-RZ
Date of Meeting: October 8, 2020

Dear Commissioners:

I represent the petitioner in this application, Metro Trailer Repair Service. Mr. Omer Kennedy owns Metro Trailer Repair and has retained me to represent his application for continued operations of Metro Trailer Repair for a plan amendment change to heavy industrial and a zoning change to Industrial. This application will come before you in the October MPC meeting and, because of the unusual nature of the zoning request, I would like to explain the need for the application.

Mr. Kennedy purchased the property approximately two (2) years ago and was under the impression that the property was zoned Commercial. Metro Trailer is run as a family owned and operated business. Recently Mr. Kennedy received a Notice of Violation indicating the property was zoned AG, but it looks like one-half commercial and one-half industrial. The codes enforcer considered the property a salvage yard and told Mr. Kennedy he must file for Industrial zoning,

which he did. Although there are tractors and trucks on the property, the primary market at the site is for sales and semi-tractor repair.

The Knox County, Tennessee Code of Ordinances, Article 4.40, cites the standards for automobile, wrecking, junk and salvage yards in similar uses. Section 4.40.01 indicates that

Because of the nature and character of their operations, automobile, wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standard shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

A. Location. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.

B. Screening. All outdoor storage of salvage and wreckage operations shall be conducted entirely within an enclosed opaque fence or wall excepting driveway areas from eight (8) to twelve (12) feet in height. Storage between the road or street in such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

C. Off-street Parking. As regulated in Section 3.50, "off-street parking," of this resolution.

In an effort to inform the planners and the Planning Commission, the location meets the requirements of this ordinance. The screening is presently in place, but the owner agrees to erect a completely opaque screen, excepting driveway area, eight (8) to twelve (12) feet in height, such that it meets all the requirements of the screening ordinance if the Commission approves the application. Metro Trailer Repair is willing to increase the height of its fencing if the Planning Commission so requires. All off-street parking already meets Section 3.50 of the resolution.

There have been complaints about water quality downstream. Metro Trailers does not allow oil or mechanical fluids to seep into the ground water. Accordingly, stream samples were taken following significant rainfall in the recent past and, as you can see from the attached lab samples, no contamination, particulates or pollutants tested positive for the downstream water from the Metro Trailer site.

Importantly, every resident and business in the immediate (within ½ mile) and adjacent vicinity of Metro Trailers at 10426 Rutledge Pike, has signed to support the change in Sector Plan and changing the zoning to an Industrial zone for Metro Trailer's property. The reason is that the business has been established for some time and the community supports the business and supports maintaining the business growth with appropriate zoning. There have been no adverse effects to the neighbors and one of the two complainants has now expressed his support for the application. The other complainant lives more than one mile away from Metro Trailer and his residence is upstream from the Metro Trailer site. All signed petitions are attached to this letter and incorporated herein.

The staff recommendation is to deny General Commercial designation because it does not meet the criteria for sector plan amendments, is not compatible with the area and could cause adverse impacts for neighboring residential properties. Metro Trailer has taken care of these concerns by contacting all of the neighboring residential properties and the petition shows complete accord and support for the designation. You can see from a drive-by that the business is compatible with the area because it sits at the corner of Circle Road and Rutledge Pike within 4.2 acres. Even the neighbors down Circle Road are in support of maintaining the business because it is good for the community and does not cause adverse impact for neighboring residential or other properties.

Staff recommends denying the request for Industrial zoning because it is not consistent with the Northeast County Sector Plan designation or with surrounding development and because it could cause adverse impacts for neighboring residential properties. Metro Trailer Repair Service has no intention of causing any adverse impacts for neighboring residential or other properties as was noted in the previous paragraph. There is no surrounding development except subdivisions and residential single family dwellings. The two neighboring businesses signed the Petition in support of the application along with all residents in support of the GC designation and the Industrial zoning.

There are only two salvage companies in the Greater Knoxville and East Tennessee area that offer salvage parts. The breadth of customers seeking salvage semi-truck parts from Metro Trailer Repair Service is wider than East Tennessee, but with only two salvage trailer repair services in the Greater East Tennessee area, this business fills a need and is not adverse to the surrounding residences, businesses and property owners at this location, as is shown from the signed Petitioners. Although Industrial zoning is required by Knox County Ordinance, the business now serves more as a commercial venue.

This business is located in the Northeast Planning Sector. It is a rural area and there are not impediments to the 10426 Rutledge Pike site that would stand in the way of the requested proposed plan amendment and zoning changes.

Metro Trailers respectfully requests the Planning Commission approve its request for a plan amendment and zoning change in order to allow Metro Trailers to continue to be an excellent asset to the business community, to Knox County, and to the Greater East Tennessee area.

Very truly yours,

HODGES, DOUGHTY & CARSON, PLLC



Wayne A. Kline
Attorney for Metro Trailer Repair Service

WAK:kjc

Attachments

Via electronic transmission & Hand Delivery

cc: Michelle Portier

Omer Kennedy

Melissa Kennedy

Utility Laboratories, Inc.
2103 E. Magnolia Avenue
Knoxville, TN 37917
Phone: 865 524-3563 Fax: 865 546-9404
Email: Utilitylaboratories@gmail.com

Customer Info

Date: 9/1/2020

Client: Metro Trailer Repair - Melissa

Creek Water Analysis

Unit Number: Green Bottle

San # 297

Date Taken: 8/31/2020

P.H.: 6.8

Specific Gravity: 9.8

Alkalinity: 180 ppm

Water: Clear

Solids: None

Protection Level: None Deg F

Boiling Point: N/A Def F

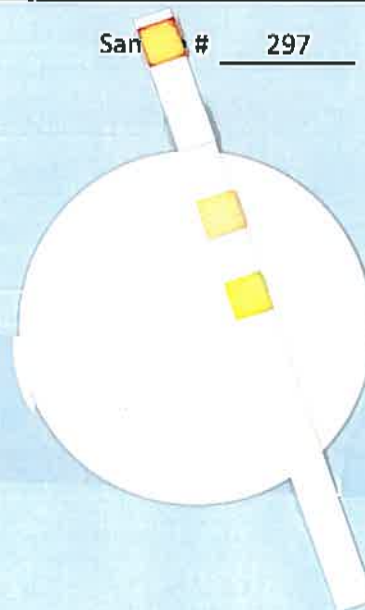
Color: Clear

Chlorine: 0 ppm

Stabilizer: 0

Patch Test: Negative

Remarks: No oil or diesel fuel was detected in this sample of creek water.



BECAUSE LUBRICANT ANALYSIS ARE PERFORMED USING SAMPLES AND INFORMATION SUPPLIED BY OTHERS AND BECAUSE RECOMMENDATIONS BASED ON THESE ANALYSIS ARE CARRIED OUT BY OTHERS, ALL SERVICES OF UTILITIES LABORATORY ANALYSIS PROGRAM ARE PERFORMED WITHOUT WARRANTY OR LIABILITY OF ANY KIND BEYOND THE AMOUNT ACTUALLY PAID FOR THESE ANALYSIS.

Utility Laboratories, Inc.

2103 E. Magnolia Avenue

Knoxville, TN 37917

Phone: 865 524-3563 Fax: 865 546-9404

Email: Utilitylaboratories@gmail.com

Customer Info

Date: 9/1/2020

Client: Metro Trailer Repair - Melissa

Creek Water Analysis

Unit Number: Orange Bottle

Sample # 298

Date Taken: 8/31/2020

P.H.: 6.8

Specific Gravity: 9.8

Alkalinity: 180 ppm

Water: Clear

Solids: None

Protection Level: None Deg F

Boiling Point: N/A Def F

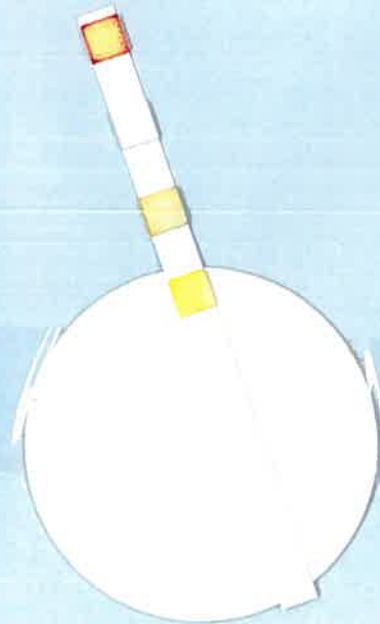
Color: Clear

Chlorine: 0 ppm

Stabilizer: 0

Patch Test: Negative





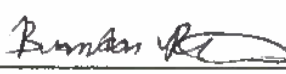




Remarks: No oil or diesel fuel was detected in this sample of creek water.



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To whom it concerns:

I agree that Metro Trailers should be able to have their property changed to Industrial as long as a privacy fence gets put up and the property stays cleaned up.

Name:	Address:	Phone Number:	Signature:
1. James Dye	Rutledge Pike 10416	274-3607	
2. Rick Padanila	10508 Rutledge Pike	865-933-7673	
3. Wade Dickey	4703 Circle Rd	865-279-3981	Wade Dickey
Bonnie Hatcher	4703 Circle Rd	865-300-2339	Bonnie Hatcher
5. Bob Pett	10120 Rutledge Pike	865-243-5841	
6. Josh Lison	1007 Rutledge Pike	815-566-2325	
7. Brandon Roberts	4739 Circle Road	865-742-1397	
8. Anthony Bessette	4739 Circle Road	865-742-1384	
9. David Roberts	11905 Circle Rd	865-519-7992	David Roberts
10. James Roberts	4735 Circle Rd	823-231-4646	
11. Sarah Currier	10068 Rutledge Pike	865-742-1403	
12. Sandy Patterson	4712 Circle Rd	865-314-5004	

13.	Darlene Keim	4712 Circle Rd	865-654-6513	Darlene Keim
14.	Bob Sexton	4712 Circle Rd	865-335-0546	Bob Sexton
15.	Chance Evans	4723 Circle Rd	865-208-3055	Chance Evans
16.	Tammy King	4904 Circle Rd	865-410-2702	Tammy King
17.	TERRY DAVOLUE	10054 - RUTLEDGE PIKE	865-235-2035	Terry Davolue
18.	Gene Branch	4910 Circle Rd Corryton, TN 37721	865-936-7819	Gene Branch
19.	JAMES Helton	4512 Circle Rd Corryton TN 37721	865-660-9141	James Helton
20.				

**PETITION IN FAVOR OF METRO TRAILERS' REZONING
AND SECTOR PLAN CHANGE**

We, the undersigned residents and businesses in the immediate and adjacent vicinity of Metro Trailers at 10426 Rutledge Pike, Corryton, Tennessee, hereby support the change in Sector Plan and change in zoning to an Industrial Zone for Metro Trailer's property located at 10426 Rutledge Pike, Corryton, Tennessee. The business has been established for some time and this community supports the business and supports maintaining the business with appropriate zoning.

Printed Name	Signature	Address	Phone No.
1. Raymond T. Webster	<i>Raymond T. Webster</i>	10042 Rutledge PK.	865-216-7753
2. Brandon Roberts	<i>Brandon Roberts</i>	4739 Circle Road Corryton, TN 37721	865-742-1397
3. Brett Boling	<i>Brett Boling</i>	2811 Galloway Rd	865-567-1051
4. John Morris	<i>John Morris</i>	3537 Clear Springs RD MSCOT TN 37700	865-332-3454
5. Amy Petty	<i>Amy Petty</i>	10120 Rutledge Pike Corryton TN 37721	865-684-0332
6. Sarah Currier	<i>Sarah Currier</i>	10068 Rutledge Pike Corryton TN 37721	942-1403
7. TERRY DOWD HUB	<i>Terry Dowd</i>	10054 Rutledge Pike Corryton TN	235-2005
8. Robin Gordon	<i>Robin Gordon</i>	10058 Rutledge PK Apt 1	865-382-4759
9. Helen Gordon	<i>Helen Gordon</i>	10058 Rutledge PK	865-599-9501
10. Angel Figueroa	<i>Angel Luis Figueroa</i>	10058 Rutledge Apt 2	865-599-9501
11. Kevin J. Breed	<i>Kevin J. Breed</i>	10058 Rutledge Apt 2	865-599-9501
12. Dale Jones	<i>Dale Jones</i>	10702 Richland Rd	554-4998
13. Justin Lampson	<i>Justin Lampson</i>	10706 Rutledge PK	815-501-8268
14. Josh Wiseman	<i>Josh Wiseman</i>	10700 Rutledge Pike	815-566-2525
15. Anthony Bessette	<i>Anthony Bessette</i>	4739 Circle Road	865-742-1384
16. JN Roberts	<i>JN Roberts</i>	4735 Circle Road	423-281-4646
17. Tammy King	<i>Tammy King</i>	4904 Circle Rd	865-450-2701
18. Candy H	<i>Candy H</i>	4912 Circle Rd	873-4120
19. Brad Conley	<i>Brad Conley</i>	4912 Circle Rd	384-4137
20. <i>Gene Branch</i>	<i>Gene Branch</i>	4910 Circle Rd	865-936-7818
21. JAMES SWANSON	<i>James Swanson</i>	10101 Rutledge PK	279-3749
22.			












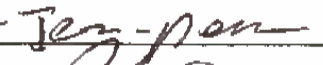


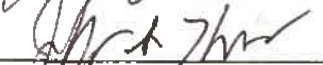

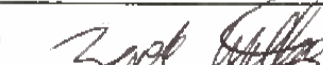



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Printed Name	Signature	Address	Phone No.
1. Matt Reemes		2924 Asbury Rd Knox TN 37914	(865) 300-3501
2. John Doss		108 Lower House Pine	865-345-4210
3. Dave Edwards		4816 Rutledge PK Knox. TN 37914	865-47-2353
4. Robert Cronkrite		4816 Rutledge PK Knoxville TN 37914	865-217-2348
5. Linda Cathcart		4801 Rutledge Pk Knox	865-546-9781
6. Kevin B. O'Leary		672 Centerville Rd 37865	865-384-5760
7. Andy Kennedy AAA Trailers		1935 Bays Mt Rd New Market 37820	865-850-0510
8. Alex Ortiz South Service		3303 E. gov. John Sevier PO Box 951 Clinton TN	(865) 406-3189
9. Ralph Blumhert		1241 WEBB CIRCLE DANDRIDGE TN 37025	865-320-6061
10. TERRI HANSON		2517 E. GOV. JOHN SEVIER RD SEVIER MTN	865-705-2097
11. SUANDA HAWKINS		1844 AMHERST RD KNOXVILLE TN	865-257-2914
12. William Samler		6961 LA CHRISTA LN KNOX	865-400-5010
13. Travis Christian		1455 Clark St. Alcoa TN	335-6698
14. Robert Hendrick		1636 Louisville Rd Alcoa	368 8516
15. David P. Jones		4210 Moreland Rd Memphis	773-4085530
16. Mike Rotar		11047 Anchorage Cir Memphis	865-325-4550
17. Mike Maide		1235 Sunflower Lane Memphis	865-585-4866
18. Andy Pritchard		5201 N. Middlebrook Pk Memphis	865-858-0533
19. John Bradshaw		130 Craft Ln Memphis	423-620-4154

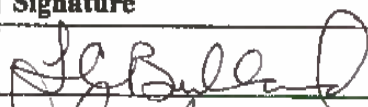



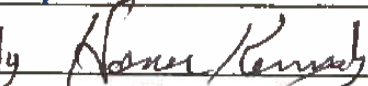


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Printed Name	Signature	Address	Phone No.
1. Justin Lampson		10426 Rutledge PK	815-561-8768
2. Josh Wiseman		6426 Rutledge Pike	815-566-2525
3. Andrew Kennedy		7826 Old Rutledge Pike	865-742-5012
4. Rick Truett		8128 Greenbriar	865-607-7814
5. Andray Onofrechuk		7204 Ashville Hwy Knoxville TN 37924	865-243-5773
6. Michael Jam		7620 Mymore Rd Corryton	865-805-8240
Gary 7. Jenkins		421 Hughes Rd S.E. Cleveland TN	637-1233
8. Karl Hobbs		3821 Johnson, Hy	544-7374
9. DUANE McCallister		1875 LAUREL CITY Hwy	865-660-8880
10. Dewey and Cynthia Cutshaw		Union School Rd	423-588-9859
11. Jerome Peery		Ridgeview way	423-377-379
12. Alex Chubb		Rutledge Pike	865-466-3871
13. Angel buvoria		1420 cassell Dr Knoxville TN	678 4355497
14. Jeffrey S. Holmer		10 box 1615 Liberal VA 24240	276 870 0648
15. Albert Bennett			
16. Zack Williams		946 Deerfield Rd	865-304-1202
17. Sean Sells		253 W. Knott Rd	865-615-7994
18. Jack Dilleker		14 Benbrille Hwy Corryton, TN	615 735-790
19. Matt Edwards		Moulton Rd NC	919-495-2119
20. Daniel Britt		Brentwood rd	242 813-2292

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Printed Name	Signature	Address	Phone No.
1. Tim BULLARD		1774 BULLARD LN SPEEDWELL, TN	423-494-7635
2. CHRIS TORBETT		4550 RUTLEDGE PIKE KNOX COUNTY LANDMARK TRUCKS	865-437-9341
3. ANGELA NELSON		2230 Polymer Dr Chatt TN Kenro Transportation	207-483-8121
4. 	Eric Chess	646 Pleasant Ave. Morristown, TN 37813	423-293-2841
5. HOMER KENNEDY		5713 ROBERTS Rd	865-406-3189
6. Donnie Down		118 David Dr. NW Meyersdale PA 17307	865-309-9932
7. Emanuel Hall		4421 Watson Ridge Dr Stone Mountain, GA 30083	770-371-6138
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Printed Name	Signature	Address	Phone No.
1. <i>Mid South Truck Kenneth Paragon</i>	<i>[Signature]</i>	5400 Rutledge Pk. Knoxville, TN 37909	865-535-8000
2. <i>Glenn Suddath</i>	<i>[Signature]</i>	132 Rebel Rd. HARRIMAN TN.	865-399-3251
3. <i>Glenn Suddath</i>	<i>[Signature]</i>	2119 Kentucky DR. KINGSDOM TN.	865-440-9833
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Printed Name	Signature	Address	Phone No.
1. Martin Gvinteru		3000 Hanger Ave. TX	817 891 2632
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Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Fwd: Rezoning , case 8-B-20-SP

Michelle Portier <michelle.portier@knoxplanning.org>

Mon, Aug 3, 2020 at 11:37 AM

Reply-To: michelle.portier@knoxplanning.org

To: Commission <commission@knoxplanning.org>

Cc: Henry DeVault <h.devault@yahoo.com>

Commissioners,

Please find Mr. DeVault's concerns regarding the rezoning case on Rutledge Pike (8-F-20-RZ/8-B-20-PA) below in his email.

Thank you,
Michelle

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

From: **Henry DeVault** <h.devault@yahoo.com>

Date: Mon, Aug 3, 2020 at 11:35 AM

Subject: Rezoning , case 8-B-20-SP

To: michelle.portier@knoxplanning.org <michelle.portier@knoxplanning.org>

My property is across Hwy. 11W from the planned rezoning at [10426 Rutledge Pike, Corryton Tn. 37721](#). We feel

That the eye sore junkyard has hurt the value of our property and the property of the surrounding neighborhood.

The people at the end of Circle road have improved and cleaned up their property and now find themselves facing a

Junk yard! The Branch that goes through the said property runs under the Hwy and down through our property. When heavy rain it deposits trash in our hayfield and the it runs on and empties into Flat Creek causing pollution.

We believe there are Federal Laws regarding junk yards that are not being considered.

Thank You,

Henry and Marie DeVault

865-933-5208

Sent from [Mail](#) for Windows 10

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Michelle Portier, AICP

Senior Planner

865.215.3821



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] Opposition to 8-F-20-RZ/8-B-20-PA

Michelle Portier <michelle.portier@knoxplanning.org>

Mon, Aug 3, 2020 at 9:21 AM

Reply-To: michelle.portier@knoxplanning.org

To: Commission <commission@knoxplanning.org>

Commissioners,

Mr. Henry Devault called to express his opposition to the rezoning at [10426 Rutledge Pike](#) (case 8-F-20-RZ/8-B-20-PA). He lives near the property and is upset with the applicant's use of the property as a "junk yard" over the past year and believes it should not be allowed to operate in that capacity. Mr. Devault says the operation is an eye sore and would cause a decrease to surrounding property values if allowed to continue.

Thank you,

Michelle Portier, AICP
Senior Planner
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