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to

Att

IN THE CHANCERY COURT FOR KNOX COUNTY, TENNESSEE

1653770

PRIMOS LAND COMPANY LLC, and  
SMITHBILT HOMES, LLC, - 1653772

Petitioners,

v.

1653774

KNOX COUNTY, TENNESSEE,  
KNOX COUNTY BOARD OF - 1544721

ZONING APPEALS, JAMES QUICK, - 1653778

BRIAN HARRIS, and KEVIN MURPHY, - 1653781

Respondents.

Case No. 210497 - 1

FILED  
2025 FEB 21 AM 9:54  
J. SCOTT GNISWOLD

VERIFIED PETITION FOR WRIT OF CERTIORARI

Primos Land Company, LLC (“Primos”) and Smithbilt Homes, LLC (“Smithbilt Homes”) (collectively “Petitioners”), petition the Court for a Writ of Certiorari to review the decision of the Knox County Board of Zoning Appeals (“BZA”) reversing the Knoxville-Knox County Planning Commission’s approval of development plan #11-A-24-DP. In support, Petitioners state as follows:

1. Primos is a Tennessee corporation with its principal place of business located at 4909 Ball Road, Knoxville, Tennessee 37931. Primos is a land developer in Knoxville and the surrounding East Tennessee counties.

2. Smithbilt Homes is a Tennessee corporation with its principal place of business located at 4909 Ball Road, Knoxville, Tennessee 37931. Smithbilt Homes is East Tennessee’s largest residential home builder, offering affordable, new homes in the Knoxville area and surrounding East Tennessee counties since the 1950s.

3. Knox County is a political subdivision of the State of Tennessee.

4. BZA is a board of Knox County that hears requests for variances of the Knox County zoning regulations, appeals of Uses on Review, and appeals of Zoning Enforcement & Stormwater Engineering administrative decisions and penalties.

5. James Quick is a citizen and resident of Knox County, Tennessee, who resides and may be served with process at 6531 Colossal Lane, Corryton, TN 37721. Respondent Quick was involved in the BZA hearing at issue.

6. Brian Harris is a citizen and resident of Knox County, Tennessee, who resides and may be served with process at 8407 Mari Ben Lane, Corryton, TN 37721. Respondent Harris was involved in the BZA hearing at issue.

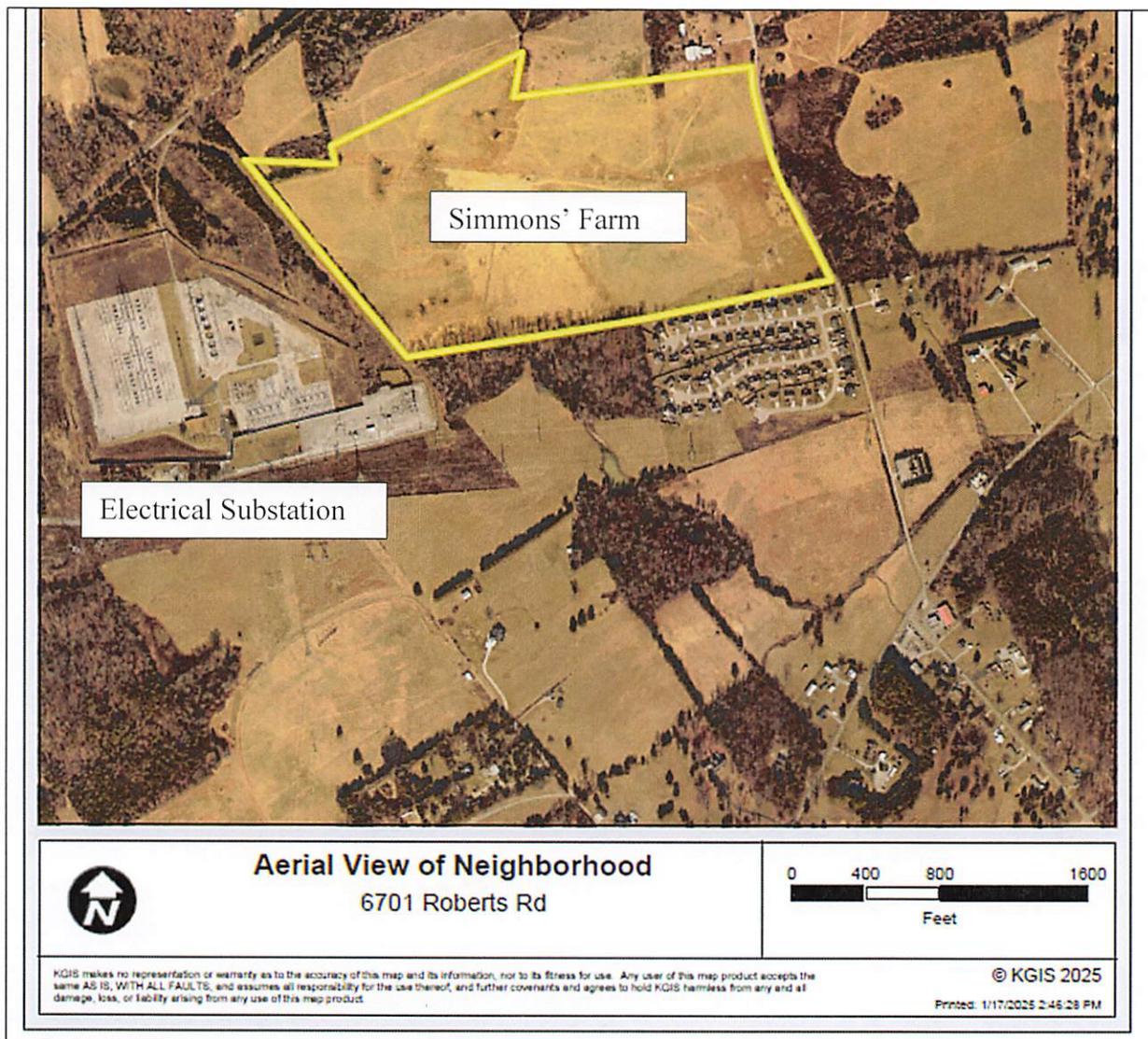
7. Kevin Murphy is a citizen and resident of Knox County, Tennessee, who resides and may be served with process at 4508 Murphy Road, Knoxville, TN 37918. Respondent Murphy was involved in the BZA hearing at issue.

8. Petitioners file this Petition pursuant to the common law and pursuant to Tennessee Code Annotated section 27-8-101, *et seq.* and 27-9-101, *et seq.*, to review a determination by the BZA, as set forth below.

9. Petitioners own approximately 74.73 acres of property in Knox County which it has proposed to develop for residential homes sites. The name of the proposed development is Simmons' Farm.

10. In March of 2024, the property was rezoned from A (Agricultural) to PR (Planned Residential) < 2 du/ac. **Collective Exhibit A, pg. 45-47 (Case Summary - Rezoning)**. This zoning allows lot density to be based upon the property as a whole, meaning that the zoning permits 149 lots. The purpose of this density limit is to set a limit on units to assess the traffic impact on the access roads.

11. The concept plan for Simmons' Farm is a 141-lot detached residential subdivision on the 74.73-acre property at a density of 1.88 du/ac. TVA operates a large electrical substation on adjacent property covering over 50 acres with significant high transmission power lines to and from that property. To avoid the adverse impact of living near an electrical substation, the concept plan for Simmons' Farm shows the lots as clustered on 26.48 acres near the Roberts Road frontage, similar to the adjacent neighborhood. **Collective Exhibit A, pg. 54-57 (Concept Plan)**. The following KGIS aerial depicts the electrical substation and Simmons' Farm:



12. The concept plan leaves the rest of the property, approximately 48 acres, undeveloped. **Collective Exhibit A, pg. 55 (Concept Plan)**. The zoning permits 8 additional house lots on those acres. However, a new development plan application would be required before any additional lots could be created or building permits used on the undeveloped area labeled “future development” on the plan.

13. The Petitioners worked with Knox County to address all concerns on impact of development. The Petitioners prepared and submitted a traffic impact study to the Knoxville-Knox County Planning Commission (“Planning Commission”) with the concept plan for Simmons’ Farm. **Collective Exhibit A, pg. 11-39 (Traffic Impact Study); 58-60 (Revision)**.

14. The Planning Commission reviewed the concept plan for Simmons’ Farm at a meeting on November 14, 2024. **Collective Exhibit A, pg. 48-51 (Subdivision Report – Concept/Development Plan)**.

15. Respondent Murphy appeared before the Planning Commission and spoke against approval of the concept plan. **Exhibit B, Minutes of Planning Commission, pg. 32**.

16. The Planning Commission approved the concept plan subject to certain conditions over Respondent Murphy’s objection. **Exhibit B, Minutes of Planning Commission, pg. 32**.

17. Specifically, the Planning Commission found that the concept plan, which has a proposed density of 1.88 du/ac, was appropriate under the applicable zoning ordinance for Planned Residential, which permits up to 2 du/ac. **Collective Exhibit A, pg. 49-51 (Subdivision Report – Concept/Development Plan)**.

18. The Planning Commission further found that the concept plan’s reservation of approximately 48 acres was consistent with Knox County’s Comprehensive Land Use and Transportation Plans, Policy 7: to encourage development practices that conserve and connect

natural features and habitat. **Exhibit C, Knox County Comprehensive Land Use and Transportation Plan;**<sup>1</sup> **Collective Exhibit A, pg. 49-51 (Subdivision Report – Concept/Development Plan).**

19. Finally, the Planning Commission found that the concept plan accorded with its classification as RL (Rural Living) place type on the Future Land Use Map. **Collective Exhibit A, pg. 49-51 (Subdivision Report – Concept/Development Plan).** Rural Living areas are primarily made up of single family residential within a rural setting. These areas may include agriculture, open space, and some limited commercial that supports agriculture and civic uses. The Planning Commission found that the plan for Simmons’ Farm conforms to the form attributes of the RL place type. **Collective Exhibit A, pg. 49-51 (Subdivision Report – Concept/Development Plan).**

20. The Petitioners met all requirements for approval, as acknowledged by County officials and the Planning Commission, especially in light of the adjacent TVA substation and high transmission power lines.

21. Respondent Quick filed a request to appeal the Knoxville-Knox County Planning Commissions’ approval to the BZA on December 13, 2024. Respondent Quick’s request to appeal was granted. **Exhibit D, Zoning Appeal Application.**

22. The BZA met on January 22, 2025, and heard Respondent Quick’s appeal. **Exhibit E, BZA Agenda; Exhibit F, BZA Minuets.**

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<sup>1</sup> Adopted by Knoxville-Knox County Planning Commission on March 7, 2024, and Knox County Commission on April 22, 2024.

23. Respondent Quick was unable to attend the January 22, 2025, BZA meeting. Respondent Harris spoke on his behalf, joined by Respondent Murphy. **Exhibit F, BZA Minutes.**

24. Josh Sanderson spoke on behalf of Smithbilt Homes and Primos. **Exhibit F, BZA Minutes.**

25. The BZA voted 7-2 to reverse the Planning Commission's approval of the concept plan. **Exhibit F, BZA Minutes.**

26. The BZA gave no explanation for why it granted the appeal.

27. The BZA's determination was arbitrary, capricious, and contrary to the governing regulations.

WHEREFORE, Primos and Smithbilt Homes respectfully request that this Court take jurisdiction and grant it the following relief:

A. Issue a writ of certiorari to the BZA and conduct a review of the BZA's decision to reverse the Planning Commission's approval of development plan #11-A-24-DP.

B. Conduct a hearing within 90 days from the filing of the transcript, as required by Tennessee Code Annotated section 27-9-111.

C. That this Court award Primos and Smithbilt all further relief to which they may be entitled or justice requires.

**THIS IS THE FIRST REQUEST FOR RELIEF BY WRIT IN THIS CASE.**

VERIFICATION

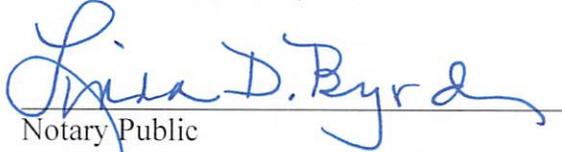
STATE OF TENNESSEE    )  
  )  
COUNTY OF KNOX        )

Having been placed under oath, I swear under penalty of perjury that the factual allegations in the foregoing Petition for Writ of Certiorari are true and correct to the best of my knowledge, information, and belief; that I am over the age of 18; and that I am competent to testify in a court of law.



\_\_\_\_\_  
Josh Sanderson, Representative  
Smithbilt Homes, LLC.  
Primos Land Company, LLC

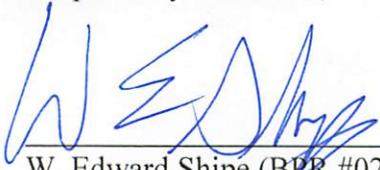
After duly placing the witness under oath, sworn to and subscribed before me this the 20<sup>th</sup> day of February 2024.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 7-29-2028



Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'W. Edward Shipe', written over a horizontal line.

W. Edward Shipe (BPR #023887)  
Avery Lovingfoss, (BPR #037628)

**BROCK SHIPE KLENK**

265 Brookview Centre Way, Suite 604  
Knoxville, TN 37919

Telephone: 865-338-9700

[eshipe@bskplc.com](mailto:eshipe@bskplc.com)

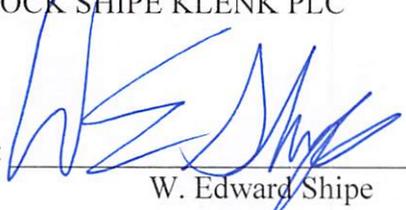
[alovingfoss@bskplc.com](mailto:alovingfoss@bskplc.com)

**COST BOND**

We, the undersigned, hereby bind ourselves for the costs of this cause in accordance with  
T.C.A. § 20-12-120.

Dated this 21<sup>st</sup> day of February, 2025.

BROCK SHIPE KLENK PLC

By: 

\_\_\_\_\_  
W. Edward Shipe