



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 6-P-07-RZ
6-D-07-SP

AGENDA ITEM #: 62
AGENDA DATE: 7/12/2007

POSTPONEMENT(S): 6/14/2007

▶ **APPLICANT:** TIM KALTHOFF
OWNER(S): JUDSON KALTHOFF

TAX ID NUMBER: 141 41.03 & 41.15
JURISDICTION: Commission District 6

▶ **LOCATION:** Southwest side of Hunters Hollow Way, northwest side of Everett Rd.

▶ **TRACT INFORMATION:** 2.29 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Everett Rd., a two lane, major collector street, with 20' of pavement within a 50' right-of-way.

UTILITIES: Water Source: West Knox Utility District
Sewer Source: West Knox Utility District

WATERSHED: Hickory Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** A/RR (Agricultural/Rural Residential) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) / CB (Business and Manufacturing)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Any use allowed in the CB zoning District.

EXTENSION OF PLAN DESIGNATION/ZONING: Yes

HISTORY OF ZONING REQUESTS: None noted for this site, but other property in the area has been rezoned CB in recent years.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residences /SLPA/A Agricultural
South: Everett Rd., and residences / AG/RR / A Agricultural
East: Residences and vacant land / Ag/RR / A Agricultural
West: Trucking business / C/CB Commercial

NEIGHBORHOOD CONTEXT: This site is within a rural, large lot subdivision that developed under Agricultural zoning. Property to the west of the site consisted of rural residential uses that have been redeveloped with businesses under CB zoning in the last 15 years.

STAFF RECOMMENDATION:

▶ **DENY C Commercial designation**

The present commercial boundary line on the west side of the subject property provides a uniform western separation for the commercial zone on the north and south sides of Everett Rd., and the CB zoned property to the west has not fully developed. More commercial development should occur within the commercially zoned property before extending the commercial zoning further to the east

► **DENY CB (Business and Manufacturing) zoning based on the sector plan recommendation**

CB zoning of this site will extend non-residential uses into stable rural residential development and adversely impact the rural residential character of the area.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The extension of the commercial designation for these properties would be an intrusion into an established rural residential area and adversely impact the rural character of adjoining property to the east, north and south.
2. Commercial designation and CB zoning should be limited to the established area to the southwest of the site along both sides of Everett Rd. that have not yet been developed with businesses.
3. The sector plan proposes that AG/RR uses continue east, north and south of this site and that the uniform commercial boundary be maintained.

THE EFFECT OF THE PROPOSAL

1. Public water and sewer are available in the area and could be extended to serve the site.
2. The proposal will have no impact on schools.
3. The proposal is not compatible with adjacent rural residential uses on three sides of the site

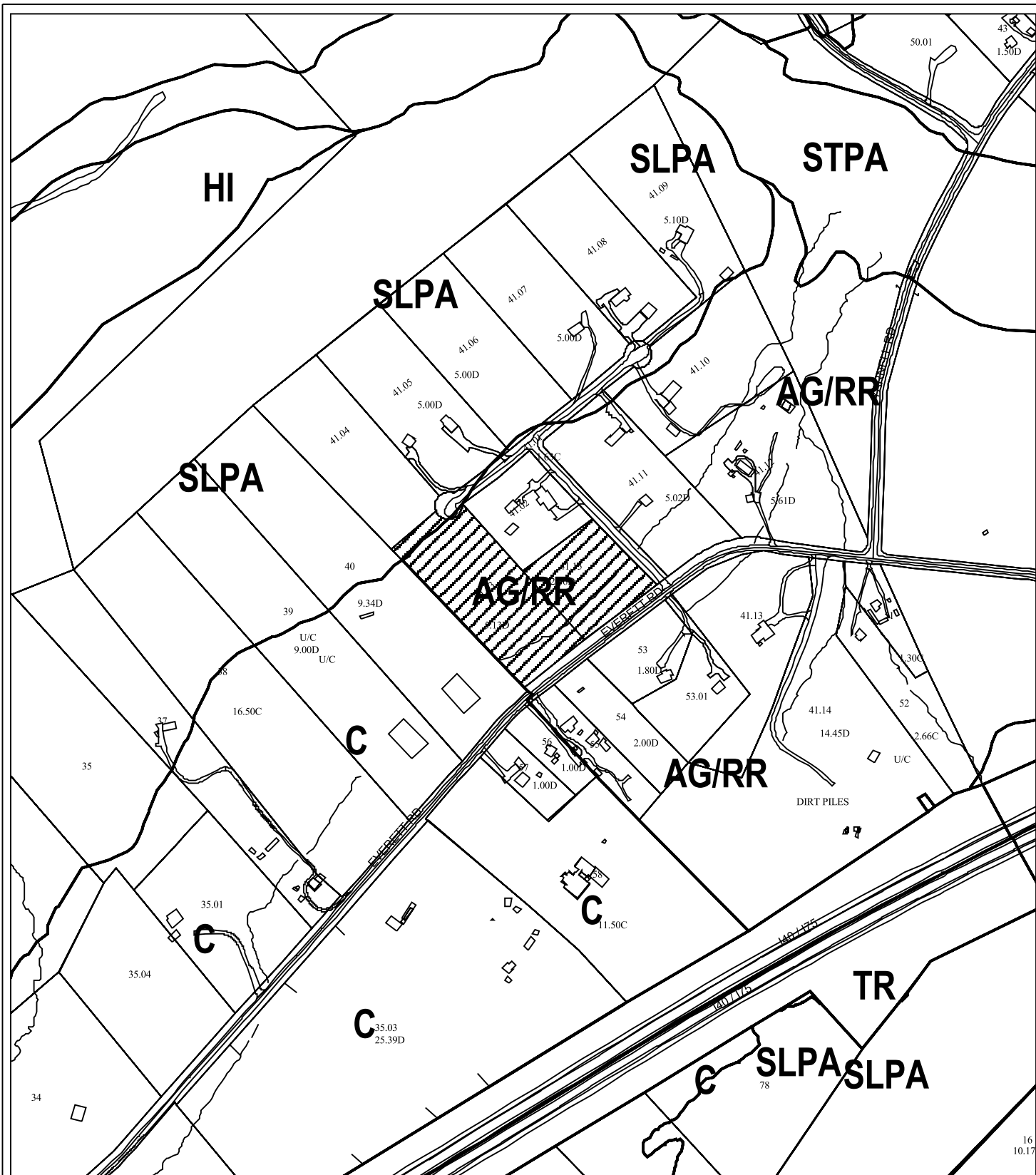
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector plan proposes AG/RR uses for this site.
2. The Knoxville-Knox County-Farragut Growth Policy Plan designates this site as Planned Growth Area.
3. Approval of this request may be expected to generate similar requests for Commercial designation and CB zoning in the area.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 8/27/2007. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.

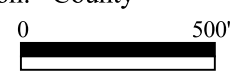


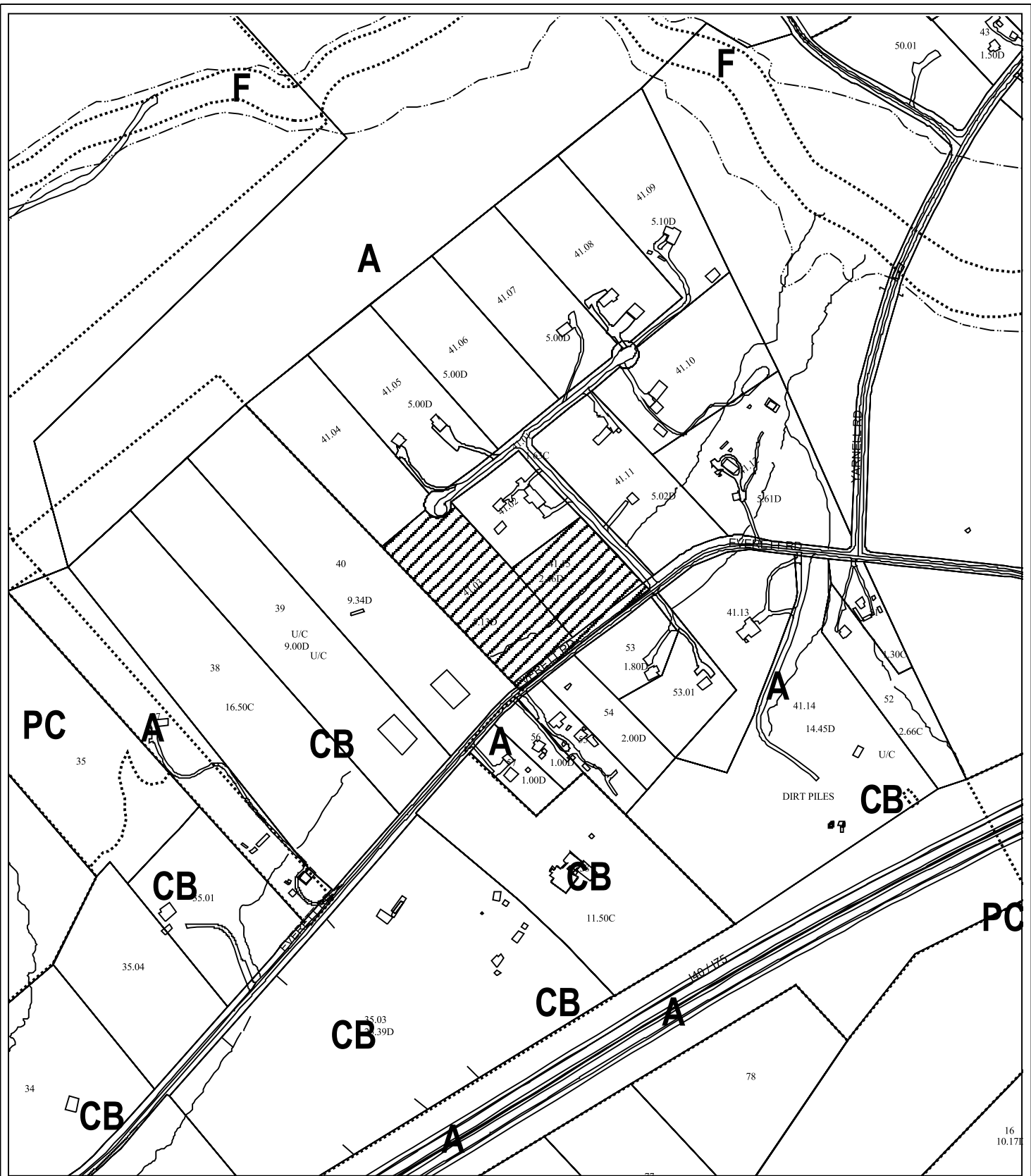
**6-D-07-SP/6-P-07-RZ
SECTOR PLAN AMENDMENT
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

Petitioner: Tim Kalthoff
Map No: 141
Jurisdiction: County

 From: A/RR (Agricultural/Rural Residential)
To: C (Commercial)

Original Print Date: 05/30/07 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





6-P-07-RZ
REZONING

Petitioner: Tim Kalthoff

Map No: 141

Jurisdiction: County



From: A (Agricultural)

To: CB (Business and Manufacturing)

Original Print Date: 05/30/07

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



6-D-07-SP
6-P-07-RZ



This is in reference to the proposed rezoning at the corner of Everett road and Hunters Hollow Way.

I live in this development of Hines Valley Farms which this property is a part of. My husband and I bought this property 8 years ago mostly because it offers a great deal of privacy.

If a commercial business is operating at our entrance, this will threaten that privacy. It is a school bus stop at this corner, our children will be more exposed to outsiders and more traffic. It will increase the 18 wheeler traffic closer to our homes, and the road is not wide enough for such traffic. There is already a sign about a block south of the property that states "No trucks beyond this point".

The properties in this development are intended to be used for mini farms, therefore a lot of us have several animals which do not need to be exposed to excess traffic.

Thank you,

Sheila Davis

Sheila Davis at 12615

Coyote Canyon Way

705-8991

657

HUNTERS HOLLOW WAY/EVERETT RD. RE-ZONE PETITION LIST

NAME:	ADDRESS:	PHONE #:
1	S.E. Vanquill	12615 Coyote Canyon Way 865-3637588
2	Clyde Johnson	1224 865-16936431
3	Bill Mathis	12625 Coyote Canyon Way 865-6940734
4	Am Lawrence	1204 Coyote Canyon Way 865-6904668
5	Vanessa Juwence	Coyote Canyon Way 865-7554668
6	Wanda M. Jure	1228 1228 Everett Rd. 423-2587911
7	Whitney Vassallo	12645 Coyote Canyon Way 865-670-0290
8	Beverly Pratt	1229 Everett Rd 865-6907302
9	Jess Pratt	1229 Everett Rd 865-6907302
10	Bernet Pogobut	1219 Everett Rd 865 691-5915
11	M. Mandy Campbell	1102 Everett Rd. 805 237-5783
12	Gary Deaton	1102 Everett 805 406-1123
13	Scott Stue	1102 Everett - 865 - 237-5783
14	Joe Hutto	12618 Coyote Canyon Way 591-4325
15	Roy Pratt	1231 Everett Rd Knox 37932
16	Brida Pratt	1231 Everett Rd
17	Capital Pratt	1231 Everett Rd Knox TN 37932
18	Vernon J. Smith	1336 Everett Rd Knox TN 37932
19	Fern Smith	1328 Everett Rd. Knox, TN 37932
20	V.J. Smith	1328 Everett Rd. Knox, TN 37932
21	Wanda	12607 Coyote Canyon Way -455-1067
22	Che' Owen	12607 Coyote Canyon Way 769-8702
23	Sheila Bair	12615 Coyote Canyon Way 705-8991
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From: Betty Jo Mahan
Subject: Fwd: Agenda Item No. 91 – Tim Kalthoff, Southwest side of Hunters Hollow Way, northwest side of Eve

>>> Whitney <whitneyandpiper@hotmail.com> 06/06 3:01 PM >>>

June 6, 2007

Knoxville/Knox County Metropolitan Planning Commission
Suite 403 City County Building, 400 Main Street, Knoxville, TN 37902

Re: Agenda Item No. 91 - Tim Kalthoff, Southwest side of Hunters Hollow Way, northwest side of Everett Road, Commission District 6

To Whom It May Concern:

The proposed North West County sector plan amendment of the southwest side of Hunters Hollow Way and the northwest side of Everett Road, from A/RR (Agricultural/Rural Residential) to C (Commercial), and the purposed rezoning of the same property from A/RR (Agricultural/Rural Residential) to CB (Business and Manufacturing) are both in direct violation of the Hines Valley Farms Restrictive Covenants (please see attached). Furthermore, the proposal as such creates the potential for acute safety concerns, severe nuisances, and drastic loss of property values.

Hines Valley Farms is a quaint, rural family neighborhood adjacent to West Knoxville and Farragut, a rare and valuable asset to all its owners and residents. First and foremost, the property shares a common corner and driveway easement with the neighborhood bus stop. To our knowledge this is the only bus stop located on this section of Everett Road between Watt Rd. and Yarnell Rd. There are more than eight school-aged children whose safety could be jeopardized by the potential location of any commercial businesses in such close proximity to a bus stop. Furthermore, the potential threat of nuisance is overwhelming. Unfortunately, the surrounding area west of Hunters Hollow Way has become a hub for tractor trailer truck sales and service; where there are currently more than three existing establishments in operation. When traveling down Everett Road to or from Watt Road it is not uncommon to see drivers and/or vagrants on foot. The proposed rezoning will undoubtedly increase traffic in the area and threatens to extend the already encroaching boundaries of semi-trucks and their drivers. This traffic poses a huge threat to the adults, children, pets, and farm animals who call Hines Valley Farms home. The property in question is one of only two parcels in this neighborhood with Everett Road frontage. There are a total of nine residents in the neighborhood, seven of which face the prospect of having their residential property landlocked behind a commercial business. As a real estate agent I fully understand the potential value of the properties with Everett Road frontage; however, I also understand the devastating potential of decline in property value for those residents who are not as fortunate. When purchasing the property located at 12645 Coyote Canyon Way, my partners and I felt confident that a rezoning of this nature could not occur with out the unanimous consent of all persons holding a vested interest in the lands, as

stated in the afore mentioned and attached Hines Valley Farms restrictions and covenants. We believe that this proposal violates at least two, if not more, covenants and restrictions provided therein, and under no circumstance would I or my partners be willing to consent to a rezoning from A/RR to C or CB for any reason on the grounds stated above.

The property Ashwood Properties, LLC owns located at 12645 Coyote Canyon Way is not only an investment property, but my personal residence. And I will take whatever action necessary to protect the five acres which are the sanctuary my daughter, three dogs, two cats, one fish, and I consider home. Myself and as many of my neighbors as possible plan to attend the meeting scheduled for 1:30 pm on June 14, 2007, in order to voice our opinions publicly. Thank you very much for your time and consideration of this matter, and I look forward to seeing you on Thursday.

Kind Regards,

Whitney Conard Vassallo
Resident,
12645 Coyote Canyon Way
Member,
Ashwood Properties, LLC

Make every IM count. Download Windows Live Messenger and join the i'm Initiative now. It's free.

http://im.live.com/messenger/im/home/?source=TAGWL_June07

Post-It Fax Note 7871

To: Joe Hutto	Date	# of Pages 5
Co./Dept	From	
Phone #	Co.	
Fax #	Phone #	
	Fax #	

Instrument prepared by:
NT A STANLEY, JR.
 ATTORNEY AT LAW
 11 Elmwood Drive
 Knoxville, TN 37919
 phone 615/504-8586

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42375085 B00010J

SHINES VALLEY FARMS
RESTRICTIVE COVENANTS

WHEREAS, R. M. MOORE & ASSOCIATES, INC., and BILL E. FERRELL, are the owners of certain real property situated in the Sixth (6th) Civil District of Knox County, Tennessee, by virtue of a certain Warranty Deed dated October 14, 1977, from John W. Williams and wife, Ina Mae Williams, of record in Deed Book 1624, page 743, in the Register's Office for Knox County, Tennessee, to which Warranty Deed specific reference is hereby made; and

WHEREAS, the said R. M. Moore & Associates, Inc. and Bill E. Ferrell desire to set forth certain restrictive covenants applicable to said land, said covenants to run with the land, all deeds from said parties to purchase of all or portions of the subject land to provide that any such covenants shall be subject to said restrictive covenants;

NOW, THEREFORE, be it resolved, understood and agreed that the following restrictive covenants shall apply to and run with the land more particularly described in the aforesaid warranty deed, which instrument is incorporated herein by reference and made a part hereof as fully as though herein set out verbatim;

1. Unless otherwise herein permitted, no lot resulting from a subdivision of any lot affected by these covenants shall be resubdivided whereby the total area thereof would be less than two and one half acres (2.5) provided, that a resubdivision of a lot for the purpose of increasing the area of an adjoining lot may be of less than two and one half acres (2.5) in area; provided further, that such a resubdivided lot shall be considered with the adjoining lot and the use

as a single lot.

2. Except as may herein be otherwise provided, no portion of the land subject to these covenants shall be used

NO. 1632 ■■■ 1030

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for any purpose other than for a single family residential occupancy. No such dwelling shall contain less than 1,300 square feet of finished and livable floor space in the case of a one story improvement, nor less than 1,600 square feet of finished and livable space in the case of a multi level improvement. Improvements with two floors horizontal but immediately adjacent to each other, and not situated on the same grade or level ("split level") shall be considered as one story dwelling improvements for the purpose of determining the required floor area hereunder. Floor area shall be determined from that portion of the dwelling unit structurally designed to be the finished and livable floor structure first immediately constructed above the grade of the lot upon which the same is situated.

3. The breeding, raising, grazing, maintaining or habitating of livestock of any kind for commercial or business purposes shall not be permitted on any of the land subject to these covenants. Any livestock maintained on the land subject to these covenants for other purposes shall be limited in number to not more than one head of livestock, regardless of kind or character, for each acre of land, which acre of land shall be devoted to the exclusive use of livestock habitation.

4. There shall exist an easement for utility and drainage in a width of ten feet along the inside of all boundary lines of the subdivision and five feet along the inside of all subdivision interior lot lines. No free standing structure or other improvements, including, but not limited to, barns, houses and other out buildings shall be located closer than 15 feet to any side or rear lot or boundary lines, or closer than 35 feet to any front lot lines.

5. No residence shall be constructed...

of the same shall be completed.

6. The exterior exposed walls of all building improvements constructed upon the subject land shall be

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composed of brick, masonite, wood, stone, stucco or logs, or any combination thereof, and no such building improvement shall be constructed so as to expose to the eyesight any concrete or cinder block, or to be composed of any surface comprising asphalt or asbestos shingles.

7. No noxious, offensive or unlawful trade or activity shall be conducted upon any portion of the subject land.

8. Any laundry yards, incinerators or garbage or trash areas shall be located to the rear of any dwelling units constructed upon the subject land and shall be kept in a clean and sanitary condition, and all garbage and other waste shall be placed in covered containers.

9. All maintenance and other equipment, including, but not limited to, lawn mowers and lawn tractors, shall be stored within a building or shed and so as not to be conspicuous in the view of adjacent lot owners.

10. No motor vehicles or other personal property not in an operable condition as to be used for the purpose ordinarily intended therefor, shall be permitted to be stored upon any portion of the subject land.

11. No mobile home trailer or other portable dwelling structure shall be permitted to be situated, either permanently or temporarily, upon any part of the subject land; provided that this paragraph shall not prohibit the temporary siting upon any part of the subject lands of any trailer to be used for a temporary office or storage structure for construction of a dwelling unit upon the land.

12. In the event that any owner of any portion of the subject land shall desire to advertise the same, or any portion thereof, for sale, not more than two (2) signs to that effect shall be permitted upon any given lot at any one time, and no such sign shall be greater than five (5) square

FROM :

FAX NO. :

May. 23 2000 10:16PM PG

13. Any dwelling unit constructed upon any portion
of the subject land shall have a septic tank and on-lot

BOOK 1532 PAGE 1022

sewage disposal system which shall be installed and maintained in such a manner as to comply with applicable laws, rules, ordinances and regulations, and no such dwelling unit shall be constructed on any lot until the design and location of the said septic tank and sanitary disposal system shall have first been approved by the Health Officer for Blount County, Tennessee.

14. Declarants do hereby reserve the right and privilege until such time as the entirety of the land hereund shall have been sold or otherwise conveyed to modify, alter, and amend these restrictions and the recorded plat as long as such amendment to the recorded plat shall not effect the boundary line to premises conveyed before the modification.

The context and scope of such modifications, alterations, or amendments, shall be in the sole discretion of the declarants

These covenants shall be binding upon all persons claiming under or through Declarant, thereby running with the land remaining in full force and effect for a period of thirty (30) years from and after date hereof and thereafter for successive periods of thirty (30) years, unless terminate in writing by the unanimous consent of all persons then holding a vested interest in the lands. No provision hereof shall be deemed dependent upon any other provision herein for full force and effect, and in the event any such provision is held to be invalid, illegal or otherwise unenforceable, the same shall have no effect upon the remaining covenants. Should any person violate the covenants hereof with respect to any land subject hereunder, any person claiming hereunder or through Declarant then vested with an ownership interest in the land shall be permitted to prosecute by an appropriate proceeding, either at law or equity, an action to abate or

FROM :

FAX NO. :

May. 23 2000 10:17PM PB

covenants, or for the purpose of recovering monetary damages
for the same, or any other lawful relief. Limitation of the
time for bringing any action hereunder shall be determined

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in accordance with law, but the failure of any person to institute any action for remedy or relief hereunder at any given time shall not constitute a waiver on the part of any person so permitted to institute such an action to bring an action hereunder at any time in the future. No covenant hereof may be waived by failure of any person to enforce the same.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or have caused this instrument to be duly executed by their duly authorized officers, this 4th day of January, 1978.

ATTEST:

R. M. MOORE & ASSOCIATES, INC.

BY:

Robert M. Moore
Robert M. Moore
 Pres
 R. M. Moore & Associates, Inc.

Bill E. Ferrell
Bill E. Ferrell
 BILL E. FERRELL

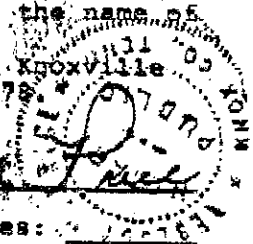
STATE OF TENNESSEE
 COUNTY OF KNOX

Before me, the undersigned authority, a Notary Public in and for the State and County aforesaid personally appeared Robert M. Moore with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the President of R. M. Moore & Associates, Inc., the within named bargainer, a corporation, and that he as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

WITNESS my hand and seal, at office in Knoxville this 12th day of January, 1978.

Robert M. Moore
 Notary Public

My Commission Expires: 12/31/1981



STATE OF TENNESSEE
 COUNTY OF KNOX

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, Bill E. Ferrell, the within named bargainer, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office, in Knox County, this 7th day of January, 1978.

To: MPC
403 City County Building
400 Main Street
Knoxville, TN 37902



From: Matthew Wisniewski
12655 Coyote Canyon Way
Knoxville, TN 37932
(formally 1232 Everett Rd.)

RE: File Number: 6-D-07-SP 6-P-07-RZ (Tim Kalthoff)
Plan Amendment A/RR to C
SW side of Hunters Hollow Way, NW side of Everett Rd.

June 5, 2007

Dear MPC,

I am writing this letter to inform you of my thoughts and feelings about the rezoning request for the property located at the corner of Hunters Hollow Way and Everett Rd. I am a homeowner on the lot adjoining the lot seeking rezoning. I cannot come up with any ways that this request will benefit the neighborhood it would be a part of. It will only depreciate the value of the surrounding houses and negatively impact the quality of life that the residents have found by living in this area. The subdivision that this lot is currently a part of was intended to be large acre lots with only a few houses. This is the reason I moved here, peace, quiet, limited traffic, undeveloped natural beauty, and a quality of life found in a friendly neighborhood. A commercial lot that has the potential to become an eyesore, increase traffic, and take away from the secluded feeling of living here is not what this neighborhood needs. The covenants of the lot restrict these type of things and that is the comfort that I sought when I purchased this property. In addition to the effects within the subdivision, the traffic coming to this address would increase the burden already present at the intersection of Watt Rd and Everett Rd. I feel that it would be a huge injustice to the people living in this area to allow this property to be rezoned. I hope that you will take all of these things and the people that will be effected into consideration when you are making this decision.

Thank you,

A handwritten signature in black ink, appearing to be "Matthew Wisniewski".

Matthew Wisniewski

June 8, 2007

Knoxville/Knox County Metropolitan Planning Commission
Suite 403 City County Building,
400 Main Street,
Knoxville, TN 37902

Re: Agenda Item No. 91 – Tim Kalthoff, Southwest side of Hunters Hollow Way,
northwest side of Everett Road, Commission District 6

To Whom It May Concern:

I am writing this letter to voice my family's objection to the re-zoning of the property located on the corner of Everett Road and Hunter Hollow Way. My property is directly across the gravel eavesment and also corners Everett Road. My husband and I bought this property almost 9 years ago in hopes of building a wonderful, quiet place for our children and animals. We have slowly watched this area turn into a haven for small and large trucking companies. We are still mostly secluded from the noise and traffic that this has caused. But, having a commercial property litterally bordering our home is absolutely something that I can not tollerate. Not only would it be a nuicence, it would put our children directly in danger while accessing the bus stop located within feet of this property.

This may be a small neighborhood, but it is a neighborhood. It has been deeded as residential property and holds covenants just as any other neighborhood to protect its resident's from selfish greedy acts that could potenitally de-value the surrounding properties, or make it difficult or unpleasant to live here. We purchased this property with the intention of living here for our lifetime. There are very few places left in West Knoxville that still have the quiet, down home feel that this neighborhood does. As a Realtor with Coldwell Banker I can say with absolute certainty that this will have an extreme negative effect on the remaining property values in this subdivision. We have done extesive work to create a quiet, fun, and peaceful environment for or daughter. I can not imagine looking across my yard and seeing a businesss. That is not what the developers of this property had in mind when thay set forth those covenants to protect it. This is a quiet secluded community of nine residents. That is what brought each and every one of us here. That is why we call this home. I see absolutely no reason what so ever that this property which is the entrance to a very nice small neighborhood should be turned into any type of commercial property. For the safety of the eight school aged children who must travel across everett road past this property to ride the school bus to shool, and for the

nine residents of this community that bought or built homes to raise their families and enjoy the peaceful environment of this small close-nit community, please reject this request.