

IN THE CHANCERY COURT FOR KNOX COUNTY TENNESSEE

WAYNE & JANIS WAGGONER, JOHN & DONNA BOHAN,
BILL & JANIE EMMERT, KENT & DEBBY FAWVER,
DONALD & KIMBERLY KENNEDY, JOHN & DEBBIE GIFFORD,
MARTIE & CINDY PRATT, NANCY HOLBERT,
BYRON & LESLIE MAYES, MIKE & SANDY LEWIS,
ROBERT BROWN, GRACE BROOKS, SUZANNE TOWNSEND,
Dr. ROBERT WHITTLE and JO WHITTLE, CARROLL L. SMITH,
CAROLYN SMITH, KARA WILSON, TRAVIS WILSON,
KYLE & TONI SMITH,

Plaintiffs

v.

No. _____
167896-3
2006 SEP 11 P 3:14 AM
HOWARD G. HOGAN
CLERK & MASTER

FILED

KNOX COUNTY, TENNESSEE and
THE KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION

Defendants

COMPLAINT FOR DECLARATORY JUDGMENT,
WRIT OF CERTIORARI and INJUNCTIVE RELIEF

Come your Plaintiffs, by and through their counsel, and bring this action and for their cause of action respectfully show this Court as follows:

1. Plaintiffs are citizens, residents, and property owners of Knox County, whose property, by and large, lies within the Eighth (8th) Civil District of Knox County, Tennessee.
2. Plaintiffs bring this action seeking declaratory relief, writ of certiorari and injunctive relief contesting the Amendment to the East Knox County sector Plan and the

subsequent re-zoning of certain tracts of property in East Knox County Tennessee as hereinafter set out.

COUNT I - Writ of Certiorari

3. Plaintiffs seek a writ of certiorari as to actions of the Knoxville-Knox County Metropolitan Planning Commission (MPC), pursuant to Tennessee Code Annotated § 27-9-102.

4. On or about June 9, 2006, The Development Corporation of Knox County (TDC) filed, with MPC, a “Plan Amendment/Rezoning” request, seeking an amendment to the East Knox County Sector Plan and to have 378.82 acres of property in East Knox County rezoned from Low Density Residential/Office to Heavy Industrial and from Agricultural and General Business to Industrial (Exhibit A, attached).

5. On or about May 1, 2006, Victor Jernigan (Jernigan) filed for an amendment to the East Sector a “Plan Amendment/Rezoning” request, seeking an amendment to the East Knox County Sector Plan and to have 9.5 acres of property in East Knox County rezoned from Low Density Residential/Agricultural zone to a Commercial/General Business Zone. (Exhibit B, attached). Said property is adjacent to the property of TDC referenced above.

6. MPC at the request of TDC, a private corporation, identified the area north of the Midway Road/I-40 intersection, as suitable for an industrial park.

7. Said MPC study was directly contrary to the previous conclusions and findings of MPC in adopting its East Knox County Sector Plan (incorporated herein by reference).

8. MPC and TDC held a joint public hearing on the TDC proposal on June 29, 2006. At said meeting approximately 250 people attended and the consensus of the meeting was to **not** allow a rezoning to “Industrial” which would have been in direct contradiction with the East

Sector Plan.

9. Subsequently, TDC, working with MPC staff arrived at a scheme to obtain the desired industrial zoning in a two step process. The procedure was to first request a rezoning to a less intrusive zoning - SC, EC, and PC. (See letter from Todd Napier dated 7/10/06, Exhibit C).

10. This two step plan was set out in the MPC staff recommendation dated 7/06/06 (Attached as Exhibit D), wherein MPC states:

"1. The Business Park (Type 1) designation and PC (Planned Commercial) zoning limited to retail commercial uses located on the west side of Midway Rd south of Thorn Grove Pike, and business park/light industrial uses on the rest of the property **will allow the applicant to proceed with the development of an industrial park at this location**, while providing a staff and public review opportunity through the MPC use on review process."

11. It was made clear from the testimony before the Commission, the remarks of Staff and comments from the commission that the ultimate purpose of the re-zoning was to accomplish a zoning for an industrial park, and not just for the less innocuous BP- 1 and PC.

12. Based upon staff recommendation and the representations before the commission, Defendant MPC, on the 13th day of July, 2006, the MPC voted to recommend re-zoning of the subject property and the Jernigan Property.

13. Said recommendation is in violation of the East County Sector Plan.

14. Said recommendation did not meet the requirements of the Knox County Zoning Ordinance Section 6.30.

15. Said recommendation by MPC constitutes "spot zoning" which is not allowed under law.

16. The recommendation to re-zone by the MPC is unconstitutional, illegal, null and void, in that it constitutes an instance of arbitrary and unreasonable spot zoning arbitrary and

unreasonable re-zoning bearing no substantial relationship to the public health, safety, and welfare of Knox County and its inhabitants; but contrary to provisions of the Knox County Zoning ordinance. It is detrimental thereto and has no effect other than to confer a special privilege furthering the private interests of the applicants TDC and Jernigan, while depriving plaintiffs and other property owners in the neighborhood of their rights, values and privileges in and to their properties by arbitrarily and unreasonably changing the existing character of the neighborhood by causing disturbing noises and unnecessary dangers incident to increased industrial traffic and business, and destroying the open spaces and attractive surroundings created by the residential and agricultural nature of the neighborhood; all of which will destroy the desirability and value of the property in the neighborhood, including plaintiff's properties, for highly desirable single family residential purposes all as guaranteed by the the Knox County Commission in its East Sector Plan.

17. MPC knew that this recommendation would be relied upon as the cornerstone for action by the Knox County Commission in amending the East Sector Plan and re-zoning the subject properties.

18. This Court is the only forum in which your Plaintiffs, as citizens, have the opportunity to have this "cornerstone" recommendation of the MPC tested for its validity. If the recommendation of the MPC is found to be in violation of law, then the ultimate re-zoning and sector amendment by the Knox County Commission, must be held to be void and invalid.

COUNT II - DECLARATORY JUDGMENT

19. All averments of paragraphs 1-19 above are adopted and incorporated into this Count II by specific reference.

20. Plaintiffs bring this action for Declaratory Judgment against Knox County, Tennessee pursuant to T.C.A. §29-14-101 *et seq.*, contesting the validity of the ordinance (resolution) by Knox County amending the East Sector Plan and re-zoning the properties referenced herein at its meeting on August 28, 2006 (set out as items 6-B-06-SP, 6-I-06-RZ, 7E-06-SP, and 7-S-06-RZ).

21. MPC submitted, to Knox County Commission (KCC), its recommendation to amend the East Knox County Sector Plan and to re-zone certain properties herein referenced.

22. KCC, at its meeting on August 28, 2006, voted to amend the East Knox County Sector Plan and to re-zone properties therein at the request of TDC, Jernigan, and MPC.

22. Based upon the averments heretofore set out, said action by KCC, is unconstitutional, illegal, null and void, in that it constitutes an instance of arbitrary and unreasonable spot zoning and arbitrary and unreasonable re-zoning bearing no substantial relationship to the public health, safety, and welfare of Knox County and its inhabitants; but contrary to provisions of the Knox County Zoning ordinance. It is detrimental thereto and has no effect other than to confer a special privilege furthering the private interests of the applicants TDC and Jernigan, while depriving plaintiffs and other property owners in the neighborhood of their rights, values and privileges in and to their properties by arbitrarily and unreasonably changing the existing character of the neighborhood by causing disturbing noises and unnecessary dangers incident to increased industrial traffic and business, and destroying the open spaces and attractive surroundings created by the residential and agricultural nature of the

neighborhood; all of which will destroy the desirability and value of the property in the neighborhood, including plaintiff's properties, for highly desirable single family residential purposes all as previously guaranteed to these citizens by the Knox County Commission in its East Sector Plan.

23. There is a legitimate dispute by and between the citizen Plaintiffs herein and Knox County regarding the validity of the amendments and re-zonings passed at the August 28, 2006 meeting.

24. The Plaintiff landowners will suffer irreparable harm if the MPC and the County are allowed to proceed with the amended sector plan and re-zonings in that the rural nature of their neighborhood will forever be destroyed.

WHEREFORE, Premises Considered, Plaintiff Prays this Honorable Court as follows:

1. That Process Issue, summoning the Defendants into this Court to Answer the Complaint filed herein against them.

2. That this Court grant a writ of certiorari as to the Knoxville-Knox County Metropolitan Planning Commission.

3. That this Court declare that the recommendation of the MPC to amend the Sector Plan and to Re-zone the subject property is arbitrary, unreasonable, and against existing law and therefore null and void and of no effect.

4. That this Court declare that the ordinance (resolutions) amending the Sector Plan and to Re-zone the subject property are arbitrary, unreasonable, and against existing law and therefore null and void and of no effect.

5. That Knox County and the MPC be enjoined from issuing any building permits or other action inconsistent with the zoning and sector plan in effect prior to August 28, 2006.

6. For such other, further and general relief as this Court may deem just and proper.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF FILED ON BEHALF OF THE PLAINTIFFS IN THIS MATTER AND NO COURT HAS HERETOFORE DENIED SUCH RELIEF.

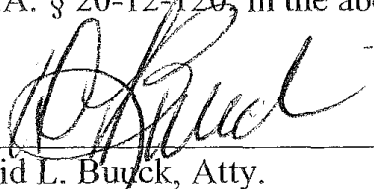
Respectfully submitted,



David L. Buuck, BPR # 7210
Attorney for Plaintiffs
707 Market St.
Knoxville, TN 37902
Phone # 865/544-0027
Fax # 865/637-9800

COST BOND

We hereby acknowledge ourselves as sureties for statutorily provided court costs as provided in T.C.A. § 20-12-120, in the above cause.



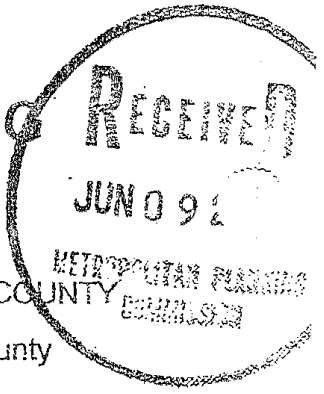
David L. Buuck, Atty.

KNOX COUNTY

M P C METROPOLITAN P L A N N I N G C O M M I S S I O N

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

PLAN AMENDMENT/REZONING



Date Filed: 6/9/2006

Meeting Date: 7/13/2006

Name of Applicant: THE DEVELOPMENT CORPORATION OF KNOX COUNTY

Jurisdiction: County Commission District 8

Sector: East County

Growth Policy Plan: Planned Growth Area

Census Tract: 53

Traffic Zone: 132

Zoning District: A (Agricultural) and CA (General Business)

Plan Amend. File #: 7-E-06-SP

Rezoning File #: 7-S-06-RZ

Fee: \$220.00

PROPERTY INFORMATION:

Description Tax ID: 74 039-041,092-097

Add'l. Tax ID Info.: 09601, 09602

Address:

City Blocks:

General Location:

Northwest and southeast sides Thorngrove Pike, north and west of Midway Rd., north of I-40

Other (if property information for rezoning is different from above):

Tract Size: 378.72 acres

CHANGES REQUESTED:

I (we) request that the MPC, after appropriate study, recommend a East County Sector Plan Amendment to change the land use designation of the property described above.

FROM: LDR (Low Density Residential) and O (Office)

TO: HI (Heavy Industrial)

I (we) request that the MPC, after appropriate study, recommend an amendment to the official zoning map to change the zoning of the property described above.

FROM: A (Agricultural) and CA (General Business)

TO: I (Industrial)

Previous Zoning Requests:
None noted

APPLICANT'S PROPOSED USE OF PROPERTY:

Use:

Business park

Density Proposed:

Existing Land Use:

Residences and vacant land

EXHIBIT A

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

The Development Corporation of Knox County

17 Market Square #201

Knoxville, TN 37902

Telephone: 546-5887

Fax: 546-6170

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, as listed on the next page of this form.

Same as Correspondence information above.

Signature: _____

Todd A. Naper

Telephone:

865-546-5887

Fax:

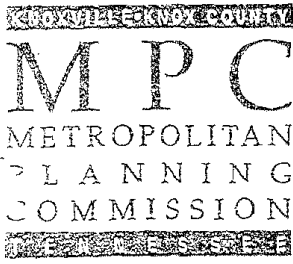
865-546-6170

NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW

APPLICATION ACCEPTED BY: MICHAEL BRUSSEAU

6/9/2006 10:49:47 AM

(6-8-06-S)



REZONING

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.korrrnet-org/mpc

Jurisdiction: City _____ Councilmanic District County ^{gim} _____ Commission District

Date Filed: 5-1-06 Fee Paid: \$703.00 File Number: 6-I-06 R2

Map Number: 074 Zoning District: A City County Sector: East Co

Name of Applicant: VICTOR JERNIGAN

MAY 01 2006

PROPERTY INFORMATION:

Address: (Street Number) 811 (Street Name) MIDWAY ROAD

General Location: NW CORNER OF MIDWAY & THORNGATE PIKE INTERSECTION NORTH OF I-40 (SW side of Midway Rd., S/E side of Thorn Gate Pike)

Description: Parcel(s) 074 098 City Block(s) _____

Other: _____
Size of Tract: 9.5 Acres _____ Square Feet

CHANGE REQUESTED:

I (we) request that the MPC, after appropriate study, recommend an amendment to the official zoning map to change the zoning of the property described above.

FROM: A
TO: CA

Previous Zoning Requests: none noted

APPLICANT'S PROPOSED USE OF PROPERTY:

(Be Specific) Any permitted use in CA zone

Density Proposed: _____ Dwelling Units per Acre _____
Existing Land Use: Open Space

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

VICTOR JERNIGAN 108 STEKOLA LN #103 KNOXVILLE TN 37912
Name: (Print) Address • City • State • Zip Phone • Fax
936-7368 936-7374

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

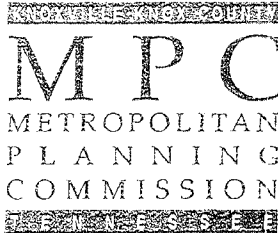
Signature: Victor Jernigan

Same as above
Name: (Print) Address • City • State • Zip • Phone • Fax

APPLICATION ACCEPTED BY: K Schütz

EXHIBIT B

16-I-16-RZ



SECTOR PLAN AMENDMENT

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

Name of Applicant: Victor Jernigan

Owner Option Holder Other (Be specific) Contract Holder

Date Filed: 5-1-06 Planner in Charge of Application: K Schultz

Fee Amount: \$220⁰⁰ Meeting Date: 6-8-06 File Number: 6-B-06-S?

<p align="center">PROPERTY INFORMATION</p> <p>Jurisdiction: <input type="checkbox"/> City Council District _____ <input checked="" type="checkbox"/> County Commission District <u>9th</u></p> <p>Census Tract: <u>53</u></p> <p>Traffic Zone: <u>132</u></p> <p>Growth Policy Plan: _____</p> <p>Tax Identification Number: <u>074 098</u></p> <p>Address: <u>811 Midway Rd</u></p> <p>General Location: <u>3/4 side of Midway Rd,</u> <u>3/4 side of Tran Grove Pike</u></p> <p>Sector: <u>East County</u></p> <p>Zoning District: <u>A</u></p> <p>Tract Size: <u>9.50 acres</u></p> <p>Existing Land Use: _____</p>	<p align="center">REQUESTED CHANGE</p> <p>I (we) request that the MPC, after appropriate study, recommend an amendment to the <u>East County</u> Sector Plan, to change the land use designation of the property described on this form</p> <p>FROM: <u>LDR</u></p> <p>TO: <u>C</u></p> <p align="center">PROPOSED USE</p> <p>List density proposed, if applicable.</p> <p><u>Any permitted use in CA zone</u></p>
<p align="center">APPLICATION CORRESPONDENCE</p> <p>All correspondence relating to this application should be directed to:</p> <p>PLEASE PRINT Name: <u>VICTOR JERNIGAN</u></p> <p>Company: _____</p> <p>Address: <u>1083 STERDIA LN #103</u></p> <p>City: <u>KNOXVILLE</u> State: <u>TN</u> Zip: <u>37912</u></p> <p>Telephone: <u>865-938-7360</u></p> <p>Fax: <u>865-938-7371</u></p> <p>E-mail: _____</p>	<p align="center">APPLICATION AUTHORIZATION</p> <p>I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, as listed on the next page.</p> <p>Signature: <u>Victor Jernigan</u></p> <p>PLEASE PRINT Name: _____</p> <p>Address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Telephone: _____</p> <p>Fax: _____</p> <p>E-mail: _____</p>

**The
Development
Corporation**
— of Knox County —

#103

July 10, 2006

Mr. Mark Donaldson
Executive Director
Metropolitan Planning Commission
City County Building
400 Main Street, Suite 403
Knoxville, TN 37902

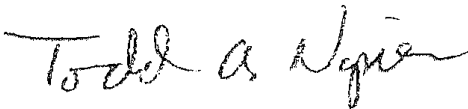
Re: Rezoning of Approximately 379 Acres at Midway Road and Thorn Grove Pike

Dear Mr. Donaldson:

In lieu of rezoning the approximately 379 acres at Midway Road and Thorn Grove Pike to Industrial (I), The Development Corporation of Knox County is agreeing to the following:

1. The property will be rezoned to Planned Commercial (PC).
2. The approved uses on all 379 acres to be rezoned will be the same as the uses currently approved in Knox County's Employment Center (EC) zone, section 5.51.2.
3. The approved uses on the approximately 21 acres of the subject property that is immediately adjacent to the intersection of I-40 and Midway Road will additionally include those uses currently approved in Knox County's Shopping Center (SC) zone, section 5.34.02.
4. Once an overall site plan and set of design standards for the subject property is complete, they will be submitted to the Metropolitan Planning Commission (MPC) for review, public comment, and approval.
5. The plans on any future, individual projects being proposed on the subject property will be evaluated by The Development Corporation's Design Review Board and then by a member of the MPC staff for compliance with the approved overall site plan and set of design standards. If the plans for an individual project are in conformance with the approved overall site plan and set of design standards, no further review or approval by the MPC will be requested or required.

Sincerely,



Todd A. Napier
Director of Development

C: Michael Edwards, The Development Corporation of Knox County
~~John Valliant, Jr.~~, Valliant, Harrison and Schwartz

EXHIBIT C



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

▶ FILE #: 7-S-06-RZ

AGENDA ITEM #: 103

7-E-06-SP

AGENDA DATE: 7/13/2006

▶ APPLICANT: THE DEVELOPMENT CORPORATION OF KNOX COUNTY

OWNER(S):

TAX ID NUMBER: 74 039-041,092-097 09601, 09602

JURISDICTION: Commission District 8

▶ LOCATION: Northwest and southeast sides Thorn Grove Pike, north and west of Midway Rd., north of I-40

▶ TRACT INFORMATION: 378.72 acres.

SECTOR PLAN: East County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Thorn Grove Pike, a major collector and minor arterial street through this area with 20' of pavement within a 50' right-of-way and Carter School Rd., a major collector street with 20' of pavement within a 40' right-of-way

UTILITIES: Water Source: KUB

Sewer Source: KUB

▶ PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) and O (Office) / A (Agricultural) and CA (General Business)

▶ PROPOSED PLAN DESIGNATION/ZONING: HI (Heavy Industrial) / I (Industrial)

▶ EXISTING LAND USE: Residences and vacant land

▶ PROPOSED USE: Business park

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residences and vacant land /Rural Residential / A Agricultural
South: Residences and vacant land / Rural Residential / OS-1 and A Agricultural

East: Cemetery / A Agricultural /Rural Residential / A Agricultural

West: Residences / Rural Residential / A Agricultural

NEIGHBORHOOD CONTEXT: This site is located on the north side of the I-40/Midway Rd Interchange in a rural residential portion of East Knox County zoned A-1, A and C-4.

STAFF RECOMMENDATION:

▶ APPROVE BP (Business Park (Type 1)) and C (Commercial) sector plan designations as identified on the attached map. Applicant requested HI (Heavy Industrial), but agrees with BP and C designations.

EXHIBIT D

A Business Park (Type 1) designation on the north side of Knox County's last undeveloped interstate interchange is an appropriate land use proposal, with the extension of adequate water and sewer service, and improvements to area roads. This designation will allow consideration of the I (Industrial), EC (Employment Center), or PC (Planned Commercial) zones for this site. A Business Park (Type 1) designation in place of the HI (Heavy Industrial) designation conveys that the more intense and offensive permitted industrial zone uses are considered inappropriate for this site. Although the sector plan proposes office and low density residential uses for the subject properties, this site was identified in a MPC study, Potential Location for Business Park Development, as one of fifteen sites which might be considered by the Development Corporation for business park purposes. The sites were identified countywide, based on several factors, including arterial highway/interstate accessibility, appropriate terrain, locations that would not require access through or development next to low density residential neighborhoods, and availability of utilities.

- **APPROVE PC (Planned Commercial) zoning limited to EC (Employment Center) zone uses for the BP (type 1) part of the site and EC and SC (Shopping Center) zone uses within the C designation along Midway Rd,**

The PC (Planned Commercial) zone shall be conditioned on MPC approval of a concept subdivision and use on review plan for the development of the properties, including deed restrictions that identify the range of uses, minimum building and parking setbacks, signage restrictions, landscaping, and outside storage restrictions prior to any development of the property. Any change to the list of permitted uses shall require reconsideration by MPC. A separate MPC approval would be required for any retail uses proposed within the C (Commercial) designation area of the site along Midway Rd.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The Business Park (Type 1) designation and PC (Planned Commercial) zoning limited to retail commercial uses located on the west side of Midway Rd south of Thorn Grove Pike, and business park/light industrial uses on the rest of the property will allow the applicant to proceed with the development of an industrial park at this location, while providing a staff and public review opportunity through the MPC use on review process.
2. A Business Park (Type 1) designation and PC zoning, requires an MPC approval of a concept subdivision plan, and use on review site plan, including deed restrictions for the development. This zoning process will accommodate the proposed business/light industrial park while providing a second opportunity for public review of the proposal.

THE EFFECTS OF THE PROPOSAL

1. Public water and sewer will be available from KUB to serve the site.
2. The request will not have any impact on the school system.
3. The business/light industrial park development of 378 acres will take years to construct and will involve utility extension and expansion, as well as new street development. It is expected that full development will generate approximately 33,000 vehicle trips per day and 1,600 truck trips per day.
4. The impact to the streets will be addressed via a traffic impact study that will be required as part of the concept subdivision and use on review approval process. The realignment of Thorn Grove Pike and the extension of Midway Rd. to Carter School Rd. will be implemented as part of the development of this park.
5. Although this request and recommendation represent a change to the rural character of this area, it should be noted that the sector plan LDR and Office proposals would also change the rural character of the area. In addition, there are 135 acres of undeveloped commercially zoned property at this interchange presently, which can be developed at any time, subject only to the requirements of the C-4 (Highway and Arterial Commercial) zone. No site plan review by MPC would be required under the C-4 zone.
6. The adopted sector plan proposal for the property proposes office uses on 20 acres of the site and low density residential development on the remaining 358 acres. Low density residential development of 358 acres would allow up to 1790 residences to be proposed for the site, which would generate approximately 17,900 vehicle trips per day and would add approximately 927 school aged children to the area population. Twenty acres of office development would generate approximately 1850 trips per day and not impact area school population.

CONFORMITY OF PROPOSAL TO ADOPTED PLANS

1. With the recommended sector plan change to Business Park (Type 1), the recommended PC (Planned Commercial) zoning will be consistent with the sector plan.

2. If approved, this request could lead to future industrial requests within this area subject to additional East County Sector Plan amendment requests.
3. The site is shown for Planned Growth on the Knoxville Knox County Growth Policy Plan.
4. Any development of this property, for either residential, office or business park/light industrial uses, would be subject to any applicable local, state or federal permits to address such issues as drainage, flooding, water quality, and air and noise pollution.
5. The intent of and policies for the Business Park designation (as outlined in the East County Sector Plan) are attached.

The Development Corporation of Knox County and MPC Staff held a public hearing on June 29, 2006 to present information on the Corporation's rezoning request to convert 358 acres of land in the Thorn Grove Community to a light industrial park. The meeting was attended by approximately 250 people. Based on questions and comments expressed at the meeting, the consensus of the community is to not change the zoning and to maintain the present rural character of the area.

If approved, this item will be forwarded to Knox County Commission for action on 8/28/2006. 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.

BUSINESS PARK

Policies and Proposals

Future light industrial, warehousing/distribution and research/development uses should be developed within business parks. Two types of business parks are recognized:

Type 1 Business Park

- Primary uses are light manufacturing and warehousing/distribution.
- Location principles: large, relatively flat sites that are within one mile of a freeway interchange.

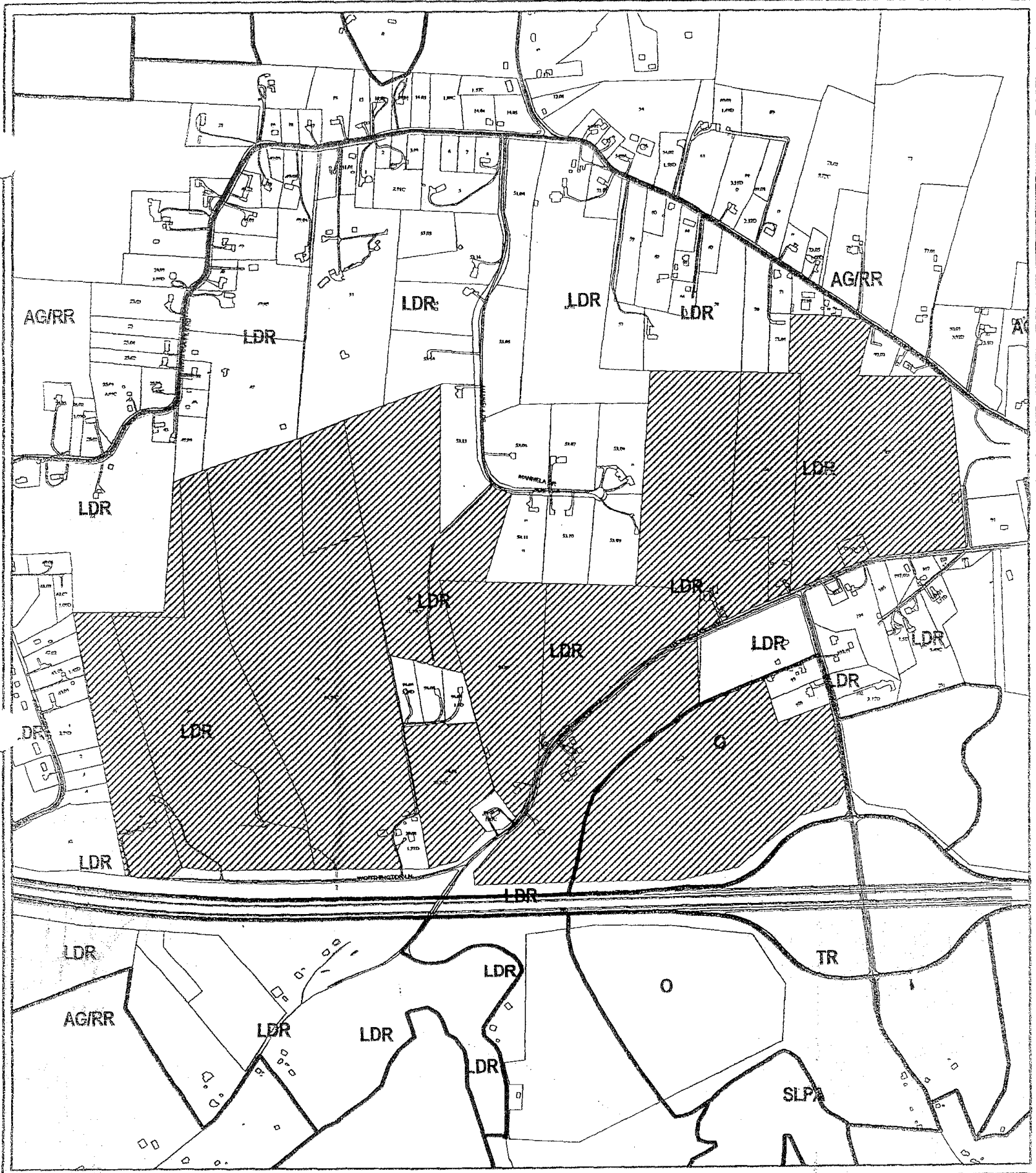
Type 2 Business Park

- Primary uses are light manufacturing, high technology services or manufacturing, research and development, and offices.
- Warehousing must be an accessory component to an on-site, manufacturing process.
- Development for the primary purpose of warehousing/distribution is not to be located in this type of park.
- Location principles: flat to gently rolling terrain (less than 15% slope); this less intensive type of business park should be used in areas farther away from freeway interchanges, avoiding truck traffic through neighborhoods.

Business Park Development Guidelines

Additional land use, design and environmental controls for either type of business park include:

- Use shall be accommodated within an enclosed building.
- Access shall be from a thoroughfare; transportation improvements may be required as a result of a traffic impact study.
- Streams, steep hillsides (25% or greater slope) or other sensitive environmental features shall be conserved in developing the park.
- Standards shall be established for low impact lighting, monument signs, and unified landscaping and building design.
- Landscape buffers shall be provided and shall be sufficiently dense to screen a business park from an area designated for residential or office use, or a site which is to serve as a school, park or similar public amenity.
- Auxiliary uses may include day care, recreation facilities, and wholesale/retail showrooms.
- Zoning for business parks shall be based on a planned zone and the creation of a master development plan, addressing the foregoing points. Business and technology park zoning is one of the planned zones appropriate to Type 2 Business Parks.



**7-E-06-SP/7-S-06-RZ
SECTOR PLAN AMENDMENT
EAST COUNTY SECTOR PLAN AMENDMENT**



From: LDR (Low Density Residential) and O (Office)
To: HI (Heavy Industrial)

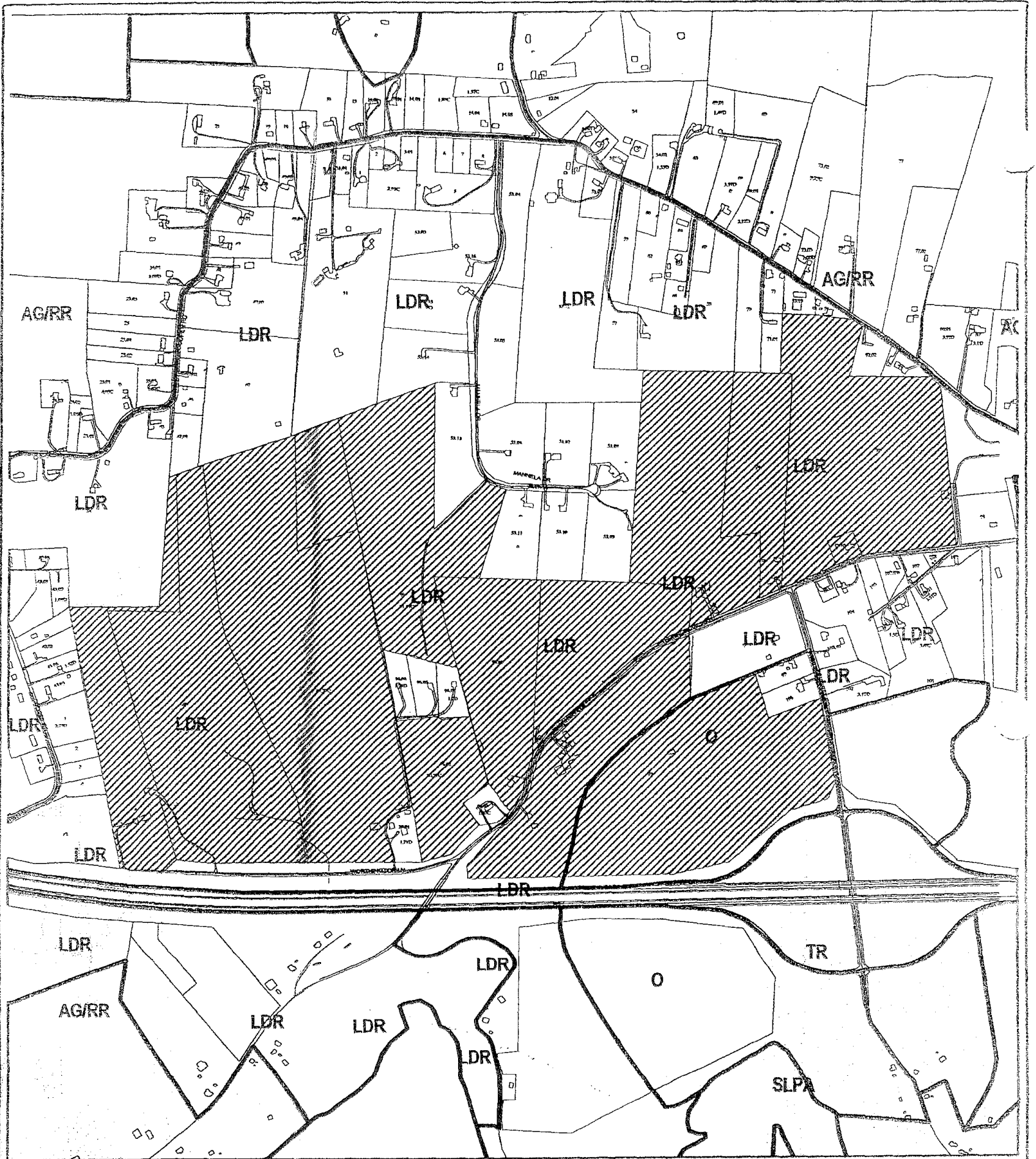
Original Print Date: 07/28/06 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: The Development Corporation
of Knox County



Map No: 74

Jurisdiction: County





**7-E-06-SP/7-S-06-RZ
EAST COUNTY SECTOR PLAN AMENDMENT
(MPC RECOMMENDATION)**

-  From: O (Office)
To: Commercial
-  From: LDR (Low Density Residential) & O (Office)
To: BP (Business Park) Type I

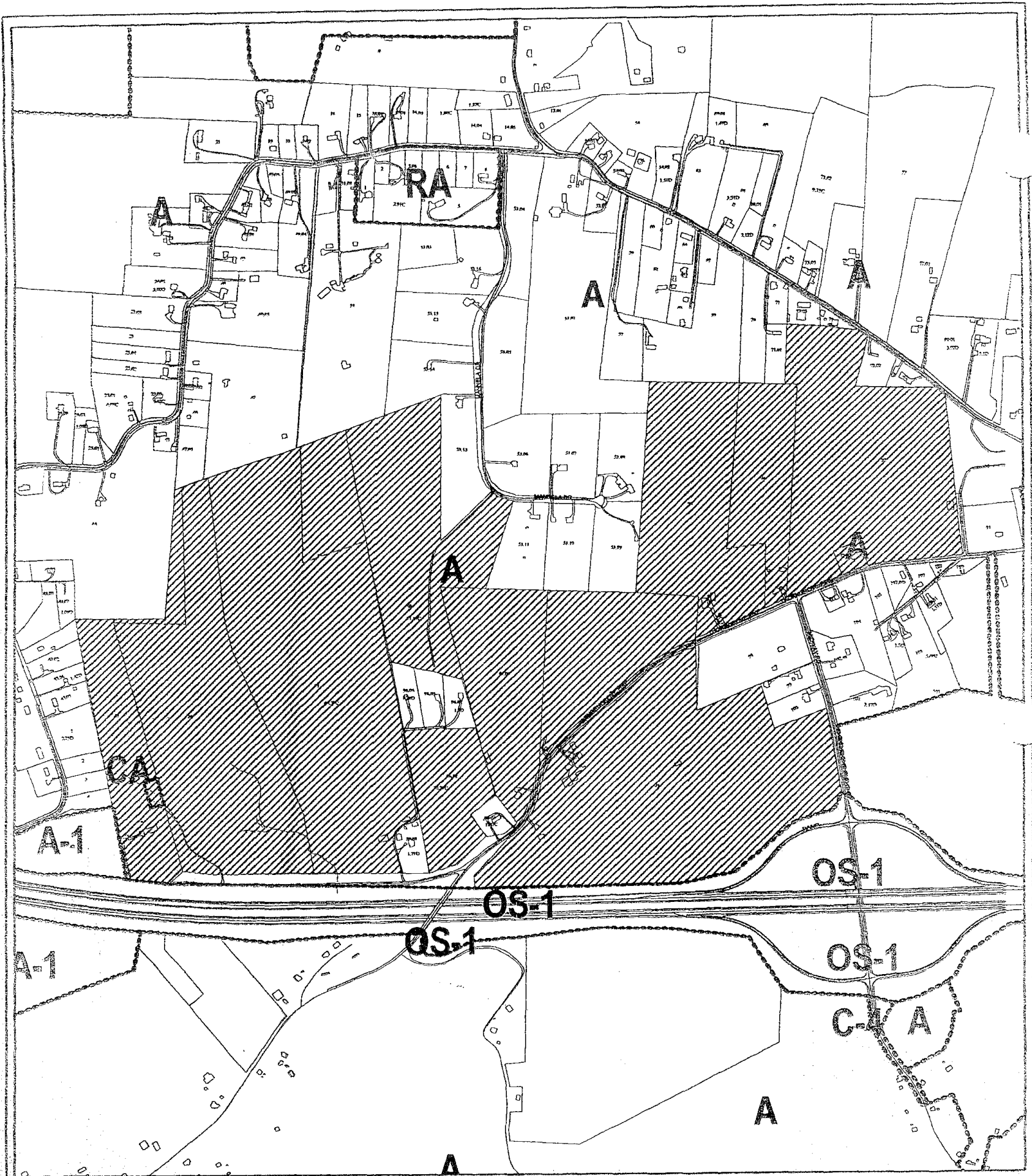
Petitioner: Development Corporation
of Knox County

Map No: 74

Jurisdiction: County

Original Print Date: 07/06/06 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**7-S-06-RZ
REZONING**



From: A (Agricultural) and CA (General Business)
To: I (Industrial)

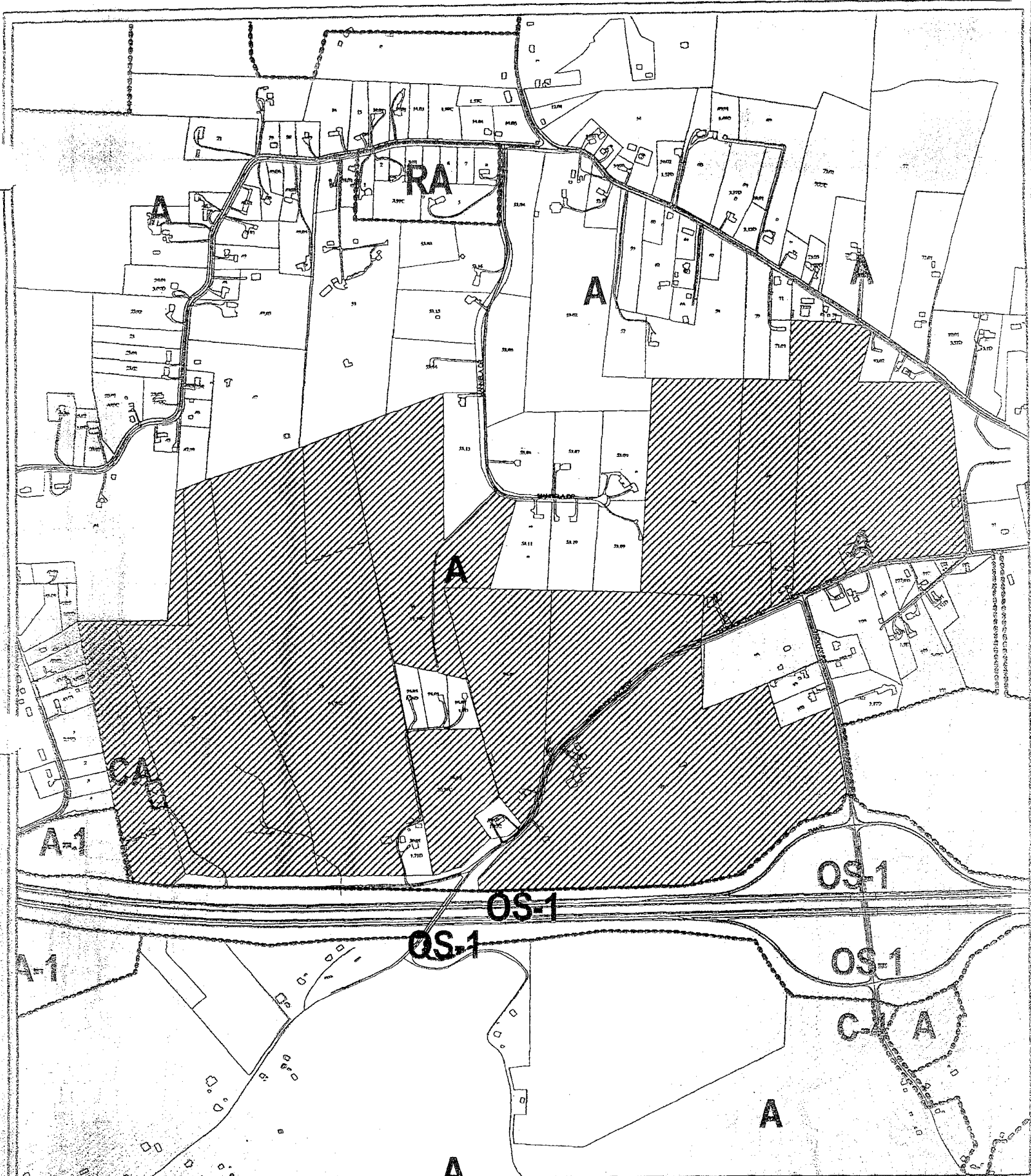
Original Print Date: 06/20/06 Revised: 07/05/06
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: The Development Corporation
of Knox County

Map No: 74

Jurisdiction: County





**7-S-06-RZ
REZONING (MPC RECOMMENDATION)**

Petitioner: The Development Corporation
of Knox County
Map No: 74
Jurisdiction: County



From: A (Agricultural) and CA (General Business)
To: PC (k) (Planned Commercial)

Original Print Date: 06/20/06 Revised: 07/05/06
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

