

Trent Primm
Belmont West Association
945 Laurel Hill Road
Knoxville, TN 37923
865-805-2130
trentprimm@comcast.net

March 21, 2022

William "Chip" Slagle
Certified Properties, LLC
5731 Lyons View Pike, Suite 225
Knoxville, TN 37919

Dear Mr. Slagle:

Re: Request to modify an existing Declaration of Restrictions for property along N. Cedar Bluff Rd.

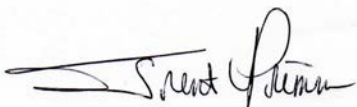
As president of the Belmont West Association, I am writing to respond to your email and telephone communications regarding modification to an existing declaration of restrictions along the west side of the intersection of North Cedar Bluff Road and Fox Lonas Road, NW. You noted in your email correspondence that the property in question consists of lots 509 and 513 as identified in the attachments to this letter (supplied by you).

After consideration of the existing Declaration of Restrictions for the subject property – also attached to this letter - the Executive Committee of the Belmont West Neighborhood Association believes the Restrictions should remain as they are and does not support lifting or amending the deed restrictions. The committee is aware that the deed restrictions will expire on June 28, 2027.

The property is currently zoned Neighborhood Commercial (restrictions, corresponding to that zoning ordinance, are attached) allowing for a variety of commercial uses. Belmont West Executive Committee endorses the uses enumerated in Section 5.38.02. However, for the "Uses Permitted on Review" enumerated in Section 5.38.03, the Executive Committee would be opposed to item D. Fueling Service Stations with or without convenience stores, item F. Outdoor storage of materials, etc., item G. Self-Storage Facilities, and item H. Vehicle Repair/Service. The committee supports the right of the owner to develop the property and, in fact, believes that several of the allowable uses would enhance the Cedar Bluff area.

Thank you for contacting me with this matter.

Respectfully yours,



Enclosures: KGIS map of the parcels as well as the Knox County Zoning Ordinance for Neighborhood Commercial (NC) zoning and the deed restriction recorded in the Knox County Court House 06/28/2007.

5.38. - CN Neighborhood Commercial Zone.

5.38.01. *General description.* This commercial zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

5.38.02. *Uses permitted.* Only the following uses shall be permitted by right in the CN, Neighborhood Commercial, zoning district. Where North American Industry Classification System (NAICS) codes are indicated after permitted uses, the businesses listed under that classification in the United States Office of Management and Budget North American Industry Classification Manual, 1997 edition, shall be permitted providing all other requirements of this ordinance are fulfilled. All uses permitted are subject to article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review."

A. Retail sales limited to:

1. Grocery stores (NAICS 4451).
2. Household supplies.
3. Clothing, shoes and jewelry (NAICS 448).
4. Garden and lawn supplies (NAICS 4442).
5. Drugs and medicine (NAICS 446110).
6. Small appliance sales (NAICS 44311) and repair (NAICS 811412).
7. Baked goods (NAICS 445291).
8. Delicatessen goods.
9. Newsstands/bookstores (NAICS 45121).
10. Florists (NAICS 453110).
11. Gift shops (NAICS 453220).
12. Arts/crafts (NAICS 453920).
13. Antiques.
14. Hardware (NAICS 44413).
15. Fabric/upholstery shops.
16. Video sales and rentals (NAICS 532230).

B. Business and personal services limited to:

1. Barber and beauty shops (NAICS 8121).
 2. Tailor/shoe repair (NAICS 811430).
 3. Laundry and dry cleaning drop-off/pick-up stations only.
 4. Banks and similar institutions (NAICS 522).
 5. Laundromats limited to self-service facilities (NAICS 812310).
 6. Copying services (NAICS 56143).
 7. Equipment rental (excluding vehicles for highway use) (NAICS 532).
- C. Business and professional offices, which provide direct services to customers limited to:
1. Travel agencies (NAICS 561510).
 2. Outpatient medical (NAICS 621).
 3. Dental (NAICS 6212).
 4. Real estate (NAICS 531).
 5. Finance and accounting (NAICS 523, 5412).
 6. Architect/engineering (NAICS 5413).
 7. Insurance (NAICS 524).
 8. Legal services (NAICS 5411).
 9. Local, state and federal government offices and programs.
- D. Veterinary clinics and animal hospitals, with no boarding of animals (NAICS 541940).
- E. Accessory uses to the principal use such as: parking facilities subject to [section 3.50](#), "Off-street parking requirements," indoor storage areas, signs subject to [section 3.90](#), "Signs, billboards, and other advertising structures."
- F. Wireless communications facilities, subject to the provisions of [article 4, section 4.92](#).
- G. Residential uses may be located on the second floor and above of a business. Dwellings may also be located on the same site only if an accessory use to the primary use for a business.
- H. Uses similar to the uses listed as "uses permitted" may be considered for appropriateness by the planning commission under the use determination public hearing process. If the requested use is approved, it may be located in this zoning district.
- I. Demolition landfills less than one (1) acre in size subject to [article 4](#), "Supplementary regulations", subsection 4.80.01.A, "Demolition landfills" (on site generated waste).
- J. Public Safety Facilities.

5.38.03. *Uses permitted on review.*

- A. Child day care centers, provided they meet the requirements of [section 4.91](#), "Requirements for child day care centers and group day care homes, when considered as uses permitted on

review."

- B. Adult day care facilities, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."
- C. Restaurants (NAICS 722).
- D. Fueling service stations with or without convenience stores (NAICS 447110).
- E. Any permitted use listed above, which includes drive-through or drive-in facilities.
- F. Outdoor storage of materials, products, or equipment.
- G. Self-service storage facilities, provided they meet the requirements of section 4.106, standards for the use-on-review approval of self-service storage facilities in the CN zoning district.
- H. Vehicle Repair/Service, provided the use meets the requirements of section 4.106, standards for the use-on-review approval of vehicle repair/service in the CN Neighborhood Commercial Zone.

5.38.04. *Building size regulations.*

- A. No building shall exceed thirty-five (35) feet in height.
- B. No individual building or commercial establishment shall have a floor area exceeding five thousand (5,000) square feet.

5.38.05. *Lot area.* The building lot must be a minimum of ten thousand (10,000) square feet in size.

5.38.06. *Front yard setbacks and landscaping requirements.* All buildings shall be setback from the street right-of-way lines not less than thirty-five (35) feet. Parking must be setback a minimum of ten (10) feet. The parking setback area must contain a minimum of one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity, per every sixty (60) feet or portion thereof of linear street frontage. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of linear street frontage, to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.38.07. *Side yard setbacks and landscaping requirements.*

- A. Where the side yard is adjacent to a residential zone, the building setback shall be not less than twenty (20) feet. The required side yard must be landscaped with a minimum of one (1) evergreen tree per every thirty (30) feet or portion thereof of side yard property depth outside of required front and rear yards. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the side yard, except for the space within ten (10) feet from the base of the evergreen trees.
- B. Where the side yard is not adjacent to a residential or agricultural zone, the building setback

shall be not less than ten (10) feet. The side yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of side yard property depth outside of required front and rear yards. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of side yard property depth (portion outside of required front and rear yards), to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.38.08. *Rear yard setbacks and landscaping requirements.*

- A. Where the rear yard is adjacent to a residential or agricultural zone, the building setback shall be not less than twenty-five (25) feet. The required rear yard must be landscaped with a minimum of one (1) evergreen tree per every twenty-five (25) linear feet or portion thereof of rear yard property length. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the rear yard, except for within ten (10) feet from the base of the evergreen trees.
- B. Where the rear yard is not adjacent to a residential or agricultural zone, the building setback shall be not less than ten (10) feet. The rear yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of rear yard property length. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of rear yard property depth to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.38.09. *Additional landscaping and site development standards.*

- A. Parking areas:
 - 1. All parking lots of twenty (20) or more spaces shall contain within the interior of the parking lot not less than one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity for every ten (10) spaces or fraction thereof. In no case shall more than ten (10) parking spaces be located in a row without a planting island a minimum of nine (9) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.
 - 2. Where parking abuts the building, there must be a sidewalk of at least five (5) feet in width between the parking spaces and the building.
 - 3. At the end of any parking row, there must be a terminal planting island a minimum of five (5) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.
 - 4. At least fifty (50) percent of the length of the exterior walls of the building must have a

landscaping strip of at least four (4) feet in width.

- B. Any pre-existing, healthy, applicable landscaping on a proposed site may be counted toward any of the landscaping requirements of this zoning district.

5.38.10. *Off-street parking.* As regulated in article 3, "General provisions," section 3.50, "Off-street parking requirements," of this resolution.

5.38.11. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.38.12. *Health department approval.* The development shall not be approved until the county department of code administration has been notified in writing by the county health department that the disposal system for sewage abides by all applicable standards.

5.38.13. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.

5.38.14. *Site lighting.* Lighting of all types shall be directed away from all residential or agricultural zones and any public rights-of-way.

5.38.15. *Administration.* For uses listed as permitted uses within the CN, Neighborhood Commercial zoning district, no building or structure shall be erected or altered until and unless a plan for such development has been filed with and approved by the county department of code administration. The plan shall be filed in accordance with the requirements of article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review," of this zoning ordinance.

5.38.16. *Sidewalks.* Pedestrian sidewalks must be provided on each site to allow access to the adjacent neighborhood. If adjacent properties have a sidewalk, the sidewalk must connect with it. If adjacent properties are vacant, then the developer must post a bond with the county department of engineering and public works to guarantee installation of a sidewalk at the time of development of adjacent properties. Sidewalks must be paved with a minimum width of four (4) feet.

(Ord. No. O-03-2-102, § 1(Exh. A), 3-24-03; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-103, § 1(Exh. A), 9-25-17; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17; Ord. No. O-19-5-101, § 1(Exh. A), 6-24-19; Ord. No. O-20-1-101, § 1(Exh. A), 2-24-20)



This Instrument Prepared By:
Robert L. Kahn
Frantz, McConnell & Seymour, LLP
P.O. Box 39
Knoxville, TN 37901

CLERK OF DEEDS
REGISTER OF DEEDS
KNOX COUNTY

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions is made this 19th day of December, 2006,
by Holrob-Cedar Bluff Partnership ("Declarant").

a Tennessee general partnership
WITNESSETH:

WHEREAS, Declarant is the owner of certain real property situated in Knox County, Tennessee, and being more particularly described in the Deed of record as Instrument No. 00611030038957 in the Office of the Register of Deeds for Knox County, Tennessee ("Property"); and

WHEREAS, Declarant desires to subject the Property to the restrictions set forth herein;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby declares as follows:

1. No tobacco store, convenience store, adult entertainment shop or store dealing in women's lingerie shall be permitted to exist upon the Property.
2. The foregoing restrictions shall run with the land and bind the Property for a period of twenty years following the date this instrument is recorded in the Office of the Register of Deeds for Knox County, Tennessee.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed as of the date first above written.

Holrob-Cedar Bluff Partnership

By: [Signature]

Name: Tom Schaffler

Title: Partner

Inst: 200706290107210 Page: 1 OF 2
REC'D FOR REC 06/29/2007 12:01:46PM
RECORD FEE: \$12.00
N. TAX: \$0.00 T. TAX: \$0.00



STATE OF TENNESSEE)
COUNTY OF KNOX)

Before me, **Laura L. Strange**, A Notary Public of the State and County aforesaid, personally appeared **Tom Schaffler**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the partner of **HOLROB-CEDAR BLUFF PARTNERSHIP**, a Tennessee general partnership, the within named bargainer, and that he as such Partner being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by himself as Partner.

WITNESS my hand and seal at office on this the 19 day of December, 2007

Laura L. Strange
Notary Public



My Commission Expires: April 16, 2008

Instr: 200708280107210
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