

**From:** "Gail Womack" <gailcarroll@knology.net>  
**To:** <ken.pruitt@knoxmpc.org>  
**Date:** 8/2/2007 10:11:38 AM  
**Subject:** Request for 30 Day Delay in Rezoning the Sherrill Property

August 2, 2007

To: Ken Pruitt, MPC Planner

From: William and Gail Womack  
308 Norfolk Drive  
Knoxville, TN 37922

Dear Mr. Pruitt,

The Members of the Seven Oaks Home Owners Association are formally requesting a 30 day delay in the consideration of rezoning of the Sherrill Property for the following compelling reasons:

1. The Seven Oaks Home Owners Association has had to retain a new Attorney in the past month due to a conflict of the interest by our previous attorney.
2. The development proposal has not been completely reviewed with the home owners and the plan presented to our elected board has been found to be subject to change depending on the contractor utilized to build the final product once the property is rezoned.
3. The planned three story units are higher than the surrounding properties and the population density planned is of concern for the following reasons:
  - a. The potential impact on the Kingston Pike point of access (one red light) will not meet Life Safety needs for the seniors planned to live in the units. The 128 units can potentially house 300+ residents, office buildings 200+, and shopping area 400+. The vehicles generated by this population in event of a fire or health emergency will not allow entrance of emergency vehicles or evacuation of the residents.

- b. The future needs of the development will likely require a second point of access to meet these needs and what is prevent the developers from purchasing properties in Seven Oaks and using our entrance as a second point of access?
- c. The current Zoning of Low Density residential is consistent with the adjacent properties and should remain unchanged.
- d. Kingston Pike and Cedar Bluff are already congested at peak hours. Is there a plan to widen these roads with this expanded population and vehicles?
- e. What is to keep the contractors from changing the original plan of Senior Citizen rental units to just developing a apartment complex of higher density and more traffic?

Certainly, we need time to review all these concerns with our attorney and meet with the developer for a presentation.

Thank you for your consideration,

Gail Womack

**From:** Ken Pruitt  
**To:** Betty Jo Mahan  
**Date:** 8/7/2007 9:29:08 AM  
**Subject:** Fwd: MPC August 9, 2007 Agenda Item 56. Kingston Pike South of Market Place Blvd.

>>> "Michael Masters" <mastersmd@comcast.net> 08/02 11:24 PM >>>  
Gentlemen,

As a resident bordering the property listed in the August 9, 2007 MPC Agenda under Item 56 located on the south side of Kingston Pike, south of Market Place Blvd, and west of North Cedar Bluff, I am not in favor of the rezoning proposal for many reasons. As a fire and life safety professional, I wanted to specifically highlight a couple of concerns that those charged with public safety should consider during their review.

The Plan is to amend the Southwest County Sector Plan from MU (Mixed Uses) (Commercial, Office, Medium Density Residential, Low Density Residential) and SLPA (Slope Protection) to MU (Mixed Uses) (Commercial, Office, Medium Density Residential) and SLPA (Slope Protection).

While reviewing the proposed development, I noted there is a single road that accesses all proposed uses on the property. The proposal is for a single road extending from Kingston Pike 1/2 mile up into the property. That single road will serve as a feeder for commercial, office professional, and a Senior Independent Living Facility. After feeding these developments, the single roadway continues up a grade and terminates inside of a proposed multi-family residential complex.

I see life safety and property risks if this property is developed as proposed. While I am not familiar with the City of Knoxville Fire Codes and Ordinances, I am familiar with several Ordinances & Codes adopted & enforced in communities served by progressive emergency service organizations. These organizations require or condition projects to provide secondary means of vehicle access when the road serves a specified number of residential units or exceeds a specified length or when, in the opinion of the Fire Chief, access by a single road might be impaired due to vehicle congestion, condition of terrain, climatic conditions, very high fire hazard severity

zones, or other local conditions. Typically the specified number of residential occupancies is more than 50 and I have seen a secondary means of access required for roads where lengths exceed 500 to 660 feet in length. The proposed project would have a single access to ten three story apartment structures in excess of 2,600 feet. Emergency service vehicles would have to negotiate congestion to access the most remote multi-family occupancies. Weather and climatic conditions could result in roadways being partially or totally obstructed. Even road and paving work could create a situation where the residents in the multi-family residential occupancies may not be able to receive the aid that they need in a timely manner.

Aside from the responsibility for public safety, those making the decision about the zoning for this property should also consider the municipal risk. Allowing this development to be built as proposed could open the City of Knoxville up to future claims of negligence. I recall a July 19, 2007 article in the Knoxville News Sentinel where the McClung Warehouse fire may prompt a multi-million dollar lawsuit citing the City was negligent in battling the blaze. The National Fire Protection Association (NFPA) was established in 1896 and serves as the world's leading advocate of fire prevention and is an authoritative source on public safety. This organization has over 300 codes and standards that influence every building, process, service, design, and installation in the United States, as well as many of those used in other countries. While not all NFPA codes and standards are adopted by local jurisdictions, they can be de facto mandates because litigants will cite them if municipalities fail to conform. These are industry standards for public safety and emergency services and community leaders can be held accountable for them. One standard that is relevant to this project is the NFPA Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments (NFPA 1710). This standard calls for paid companies to be staffed with at least four fire fighters at all times, for fire companies to turn out within 60 seconds of an alarm, for fire fighting apparatus to be on the scene within four minutes, and for fire fighters to be fully engaged in fighting the fire within eight minutes. This development will likely create conditions that might force municipal services to be upgraded or enhanced to meet the service delivery expectations. Knoxville City Fire Station 21 is located very close to this development. However, this is one fire station with staffing for one fire engine. The next closest fire station is located 4.5 miles east of this development. The ability to deploy a fire fighting force in a timely manner is a municipal vulnerability.

Please consider lower density and access during your evaluation of the property and when making a recommendation. Consideration and enforcement

will ensure a safer and manageable community.

Thank you for your time and consideration.

Michael D. Masters

328 Essex Drive

Knoxville, Tennessee

(865) 531-3254

**From:** Ken Pruitt  
**To:** Betty Jo Mahan  
**Date:** 8/7/2007 9:25:44 AM  
**Subject:** Fwd: Fw: Andrews Properties, Inc File: 8-C-07-SP & 8-F-07-RZ

>>> "Jay & Judi Bruhn" <wjb@nxs.net> 08/02 12:48 PM >>>

-

Sent: Thursday, August 02, 2007 12:37 PM  
Subject: Andrews Properties, Inc File: 8-C-07-SP & 8-F-07-RZ

We would like to request a 30 day postponement of action by MPC for 39 days on the following files.

File: 8-C-07-SP and 8-F-07-RZ

Jay & Judi Bruhn  
108 Norfolk Dr.  
Knoxville TN 37922

**From:** Ken Pruitt  
**To:** Betty Jo Mahan  
**Date:** 8/7/2007 9:27:19 AM  
**Subject:** Fwd: Sherrill Property

>>> "chuckm" <cm5mk1@comcast.net> 08/02 1:38 PM >>>  
08/02/07  
Mr Pruitt

Reference Andrews Properties, Inc. File 8-C-07-SP and 8-F-07-RZ

I am one of many homeowners in Statesview, Seven Oaks West, etc, that do not want the apartments on the back side of the property. MPC really needs to think about what they are doing here. There will traffic delays due there only being one entrance and exit point. That will cause pressure to punch a road through the subdivision. Then you have a lot of negative publicity and lawsuits. The proposal you are considering now crowds too much into this acreage. The original sector plan recently adopted was the way to go. The current plans has three buildings and two parking lots on my back border. Would you want that behind your home? Knoxville needs something on this property that looks nice and will age well, you have to admit most of the main highways in Knoxville are tacky and ugly. Other cities get it right, look at Gainesville or Tallahassee Florida as an example. Farragut does better also. The bottom line is, if you let this go as planned, what will you have there in a few short years? A tacky looking high density development, that will only add to the many eyesores that we have so many of here. Homeowners will lose property value in some cases. Knoxville needs an image change, please wait for a developer that can work with single family homes or condos on the rear part of the property. That would be a good start.

Chuck Moore  
Statesview

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.476 / Virus Database: 269.11.2/931 - Release Date: 8/1/2007

4:53 PM

**From:** Ken Pruitt  
**To:** Betty Jo Mahan  
**Date:** 8/7/2007 9:29:39 AM  
**Subject:** Fwd: development delay

>>> Janet Getz <janetgetz@mac.com> 08/02 9:04 AM >>>  
Dear Mr. Pruitt,

We live at 317 Elkmont Road and we would like to request a 30 day postponement from the developer of the property behind our house. The property in question

is Andrews Properties, Inc. File: 8-C-07-SP and 8-F-07-RZ. Thank You for your consideration of this matter.

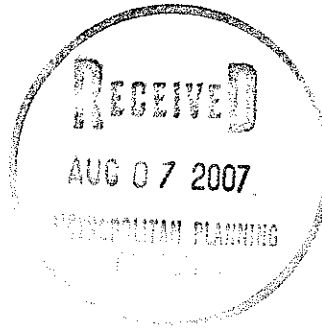
Sincerely,

Brad and Janet Getz 865.670.0844



August 7, 2007

Commissioners of Metropolitan  
Planning Commission  
Suite 403 – City County Building  
400 Main Street  
Knoxville, Tennessee 37902



**ANDREWS PROPERTIES, INC.**

6151 Powers Ferry Road  
Suite 690  
Atlanta, Georgia 30339  
T 770 953 1780  
F 770 988 8103

Raymond A. Higgins  
Partner  
rhiggins@andrewsproperties.com

RE: Item #56  
Potential for neighbors to  
request a 30 day  
postponement for the  
rezoning of the Sherrill  
Property

Dear Commissioners:

Andrews Properties, Inc. has a rezoning application filed with MPC that is scheduled to be heard this Thursday. I have been approached by two of the representatives of the surrounding subdivision and asked that I request a postponement of my rezoning vote with the MPC for 30 days so they could discuss changes in the Concept Plan for this project. They said that if I did not agree to a postponement they would request it from the MPC. While I am not sure if they still plan to request the postponement I wanted to share with you the timeline of what has occurred between the homeowners associations and my development team.

- On June 21<sup>st</sup> Frank Guess of Isakson-Barnhart (the retail developer), Jerry Kavan of Cameron General Contractors (the developer of the independent living facility component) and I met with the six representatives of the homeowners to discuss our concept plan. This meeting occurred before we filed our rezoning request with MPC.
- On July 12<sup>th</sup> the homeowners met to discuss the concept plan. Prior to their meeting I had couriered to them a revised concept plan showing larger setbacks and buildings moved slightly farther from the edge of the property for the residential component. This was a concession I agreed to after our first meeting.
- On July 13<sup>th</sup> I received a call from Larry Lowell and Todd Olson (representatives of the homeowners) requesting I postpone my vote for 30 days. They said they wanted to meet with me to discuss more changes to the concept plan, but that they were both going on vacation for two weeks and a meeting would have to occur after their return.
- On July 30<sup>th</sup> two representatives of the homeowners toured two apartment complexes Andrews Properties developed in Atlanta. I was also told they inspected The Center at Deane Hill Shopping Center, which was developed and is still owned by Isakson-Barnhart.
- On August 1<sup>st</sup> we attended a meeting where all of the homeowners were invited and we shared with them our thoughts on the concept plan and we answered

August 7, 2007  
Page 2

their questions. The meeting lasted 2.5 hours and we stayed over another hour to visit individually with the homeowners.

- We have also met with Kim Trent, Executive Director of Knox Heritage and Anne Bennett of the MPC Staff to work on saving the Sherrill House. They have toured the house and we have agreed with them to a H-1 overlay on it. We will be working with them on restoration of the house as we go forward.

Since we are asking for Planned Zones on the property, we will have to come back with a Concept Plan and Master Plan for the project. All of the items we are discussing with the neighborhood can be discussed and resolved at that time.

Therefore, I request that a postponement of the zoning vote not be approved.

Sincerely,

**ANDEWS PROPERTIES, INC.**

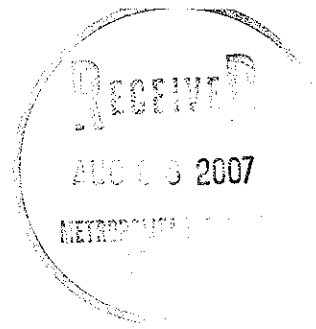


Raymond A. Higgins  
Partner

August 6, 2007

MPC Commissioners

Re: August 9, 2007 MPC Commissioners Meeting  
Agenda Item # 56



On behalf of the Planning and Development Committee representing five subdivisions of about 500 people, I urge and plead that you vote yes to a motion for a 30-day delay in considering the changes that the Applicant wants to make to the One Year Plan and the Zoning of the Sherrill property consisting of 105 acres in SW Knoxville.

I believe that your agreeing to a 30-day delay will enable the Homeowners and the Developer to come to a meeting of the minds on the buffering and berming of boundaries between 56 boundary homeowners and the proposed commercial stores, office and professional offices, senior independent living facility, and 300 three-story apartments in the rear of the parcel.

There has not been sufficient time for the homeowners to learn how the developer will minimize noise and maximize visual blockages of the various buildings given the extreme sloping of the property.

The developers first met with the representatives of the homeowners (P and D Committee) on June 21 after signing a contract to buy the Sherrill property near the end of April. The P and D Committee met with 60 homeowners on July 11 to share the conceptual developmental plan and learn the homeowners' concerns. On July 12 Todd Olson and I learned that our lawyer of the past two years could no longer represent us due to a conflict of interest. We then called Mr. Higgins on July 13 to request a 30-60 day delay so that we could gather facts and poll the homeowners one-on-one about their individual concerns. The wishes of the developer to have a faster time schedule to meet with us could not be agreed to as the two principals of the P and D Committee had vacations in July. We recently, on August 2, had a meeting with the three developers and 63 homeowners where many questions were asked, but details of siting, berming, and noise control were not known or decided yet.

This proposed development is quite complex; the property is also difficult to build upon; and, in addition, this property is located in the middle of 53 single-family residences of 20-40 years in age.

Therefore, I humbly request at least a 30-day delay so that we can learn the details of how the developer is going to maintain the peace and harmony of our homes and subdivisions.

Sincerely,

A handwritten signature in cursive script that reads "Larry Lowell".

Larry Lowell, 224 Norfolk Drive, Knoxville, TN 37922  
Chairman of the Planning & Development Committee for  
Seven Oaks – E, Cedar Bluff, Statesview, Wedgewood Hills, & Seven Oaks – W.

STATEMENT for The Knoxville-Knox County Metropolitan Planning Commission meeting and public hearing, 8/9/07.

# 52  
8-F-07-RZ1  
8-C-07-SP

Commissioners: I am James A. Spencer. I own a home at 9421 Continental Drive, a property bordering the south boundary of the Sherrill property. Leaders of the homeowners associations of Cedar Bluff, Seven Oaks East and West, Statesview and Wedgewood Hills subdivisions have asked me to represent them as support for Mr. John King's presentation.

We appreciate the opportunity that has been provided by the developer to review a preliminary development plan and the willingness of the MPC staff to attend our meetings prior to this meeting. We worked closely with the staff during development and approval of the amendment to the sector plan on the Sherrill property during 2005. Since this development proposal was put forward we have had meetings open to everyone in our homeowners associations, meetings with the firms that intend to develop the property, and meetings of leaders of each subdivision affected. We have also reviewed carefully the staff recommendation and comments which are a part of your agenda package. While we are very pleased overall with the staff recommendations and comments we take exception to comment number 3. under the heading "THE EFFECTS OF THE PROPOSAL." It states that the proposed "zoning of this tract would allow more intense, but compatible development of the site at similar scale and intensity of the adjoining residential and commercial development and zoning found in the area." We think the amount of commercial development, the scale of buildings proposed and the shift to three story apartment units on the south end of the property are significantly more intense uses and scale of buildings than the surrounding residential properties and that the proposed plan amendment and zoning changes are a significant change from the plan amendment negotiated in 2005. Since our residents in the Statesview and Cedar Bluff subdivisions have been substantially hurt by the recently occupied Emerald Woods Apartment development on Confederate Drive, there is a strong temptation to oppose any proposal to increase the intensity of development on the Sherrill property beyond what the sector plan and one year plan currently specify.

Nevertheless, we recognize that the impact of development depends not only on what is done, but how it is done. We are also impressed by the willingness of the developers to share and discuss their plans with us before this hearing and their statements that they are willing to negotiate with us to reach a mutually satisfactory development plan. We appreciate the developer's

commitment to restore the historic home on the property and other evidence of a quality development. We may be close to agreement on many aspects of the plan, but we do not think the development plan that exists is a mutually satisfactory plan. The recommendations and comments of your staff represent the path to that mutually satisfactory plan. The stakes are too high and the results too long lasting to settle for less.

We understand that the process applicable to this set of petitions calls for your decisions on plan amendments and three rezoning petitions. When the developers have further refined their proposals they would submit use on review applications for each of the three major elements of the overall site. Ordinarily the use on review submission would be the time for working out detailed agreements about the design of each area. In this case we are not comfortable proceeding on that basis. The site is large, strategically located, and it has the potential for major impacts on surrounding residential neighborhoods and beyond. In practical terms, we are dealing with three developers, not one. Any one of them could sell their portion of the property after the rezoning is completed, leaving us to start over with negotiations on that part of the site. The plans before us today are generalized ambitions for the property, still subject to revisions in location of buildings, parking lots and circulation patterns. (The devil is sometimes in the details.)

We are requesting a thirty day postponement in order to have more in-depth conversations with the developer(s). Specifically, we would like to have a better understanding about how the setbacks and screening of the commercial properties that adjoin residential properties along the side boundaries are to be handled. The staff recommendation suggests a major reworking of the site plan in these areas. The developer may find us in agreement with some of his ambitions here, but we need to know what is proposed? We are also very concerned about the proposed density and boundary treatment of the apartments on the south end of the site. By the developer's own admission the location of buildings and parking lots in this area is still subject to significant adjustment. Until we have a better idea of what those adjustments are it is impossible to understand what the real impact on bordering residences may be and what kind of buffers may be appropriate. If we can come to agreement on the siting of buildings and layout of parking and circulation we will have a realistic basis for coming to agreement on treatment of the boundaries. Without a delay to discuss these issues in more depth we could not support a density of 8 dwelling units per acre. Six would be a maximum for us. While thirty days may not be enough time to resolve all the questions that will

arise related to this site, we think it can provide enough time to find general agreement on key issues and then allow us to support the petitions before you. The remaining details could then be worked out during the use on review process.

If you cannot agree to a 30 day postponement, we urgently request that you make actions on the proposed plan amendment and rezonings conditional on adherence to the staff recommendations and comments, with two caveats; we request that the density on the RP-1 portion be set at six dwelling units per acre and that the boundary of that area between the RP-1 and the adjoining residences include a 75 foot undisturbed area and berms, landscaping and/or fences as agreed with the adjoining property owners . On that basis, we will negotiate with the developers in good faith toward a mutually satisfactory outcome.

SHERRILL.pc

PETITION

Total of 205  
Signatures  
8-F-07-RZ/  
8-C-07-SP

To MPC Staff and MPC Commissioners

WE, THE UNDERSIGNED, HEREBY PETITION to delay the vote on changing the zoning of the Sherrill Property in west Knoxville, for 30 days.

WE STATE OR BELIEVE:

1. That the petitioners are homeowners and landowners surrounding the Sherrill property.
2. That the proposed zoning changes will devalue our homes, properties, and neighborhoods.
3. That the proposed zoning changes are not in accordance with the SW Sector Plan, 2005, for the property.
4. That the building of 300 apartment units as well as the 40 acres (wide and deep) commercial plan will not lend itself to harmony of the surrounding subdivisions.
5. That we have only recently, on July 26, retained a new attorney as the previous attorney disqualified himself for a conflict of interest.
6. That we have not met with the developers to learn the details of the proposed project and how they will address many concerns such as transition to the boundaries, noise, lighting, storm water, traffic after trying, but we have made several efforts to do so.
7. That the timing has been too short to evaluate or negotiate changes to a possible concept that would be in harmony with our already developed and restricted subdivisions.

Attached is the existing zoning map from the KGIS site to show the surrounding homeowners. <http://www.kgis.org/knoxnetwhere/viewer.asp>

Signature of Petition Circulator

Jean M. Gusto

Subdivision

7 Oaks East

Address

112 Essex Dr.

City, State, ZIP

Knoxville TN 37922