

▶ **FILE #:** 1-L-07-RZ **AGENDA ITEM #:** 74
 POSTPONEMENT(S): 1/11/07-5/10/07 **AGENDA DATE:** 6/14/2007

▶ **APPLICANT:** CAMDUN REALTY, I
 OWNER(S): MICHAEL L CAMPBELL

TAX ID NUMBER: 147 054,05401,05402,05403,055

JURISDICTION: County Commission District 9

▶ **LOCATION:** Southeast side Topside Rd., northeast of Alcoa Hwy.

▶ **APPX. SIZE OF TRACT:** 30.16 acres

SECTOR PLAN: South County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Topside Rd., a minor collector street with 17-18' of pavement width within 50' of right of way.

UTILITIES: Water Source: Knox-Chapman Utility District
 Sewer Source: Knoxville Utilities Board

▶ **PRESENT ZONING:** E (Estates)

▶ **ZONING REQUESTED:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Attached residential development

DENSITY PROPOSED: 5 du/ac

EXTENSION OF ZONE: Not an extension of PR, but the property to the west is zoned RP-1, which is the City's equivalent zone to PR.

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Dwellings and vacant land / E (Estates)
 South: Little River / Blount County

East: Dwelling and vacant land / E (Estates)

West: Residential subdivision and apartments / RP-1 (Planned Residential) @ 1-3 du/ac and RB (General Residential)

NEIGHBORHOOD CONTEXT: This section of Topside Rd. is developed with residential uses under A, E, RP-1, RAE, RB and PR zoning.

ESTIMATED STUDENT YIELD: (public and private school children, ages 5-18 years)

STAFF RECOMMENDATION:

▶ **APPROVE PR (Planned Residential) zoning.
 APPROVE a density of up to 5 du/ac.
 SUBJECT TO THE FOLLOWING CONDITION:**

1. Application shall be made to protect the historic house on the property with HZ (Historical Overlay) zoning as soon as the boundaries of the parcel where it could be located are known, with the Secretary of Interior's Standards as the design guidelines. Any site plan for development of the property should respect this historic structure.

PR zoning at the recommended density and with the recommended condition, is compatible with surrounding development and zoning, appropriate for the topography of the site, respects the historic structure on site and

is consistent with the sector plan proposal for the property.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. PR zoning at the recommended density is compatible with the scale and intensity of the other residential development in the area and is consistent with the sector plan proposal for the site.
2. The site does not have steep slope characteristics and has direct access to Topside Rd., which is a minor collector street, making it appropriate for development at the proposed density. The site is located about 1,500 feet east of Alcoa Hwy., which is a major arterial street.
3. There are other developments accessed from this section of Topside Rd. that are zoned for and developed at 5 du/ac or greater. There is a larger site on the north side of Topside Rd. that is zoned RP-1 for up to 8 du/ac, and there is a considerable amount of RB zoning in the area. This area of Topside Rd. between Alcoa Hwy. and Maryville Pike is likely to develop with low to medium density residential uses in the future.
4. PR zoning will require MPC use on review approval of site plans prior to any development of the property. During this review, potential issues such as traffic, drainage, access, topography, lot layout and other development concerns can be addressed.
5. Edelmar, a 1914 Craftsman style house that is potentially eligible for National Register listing and local historic designation, is located on the property. Edelmar was built by C. B. Atkin as a summer home, and named for his three daughters Edith, Eleanor and Marion. C. B. Atkin achieved prominence as a Knoxville developer. He built the Hotel Atkin at Gay Street and Depot, and from 1905 to 1920 was a principle in the Knoxville and Fountain City Land Company. Atkin was a founder of the Fountain City Railway Company, successor to the Dummy Line and the link between Fountain City and Knoxville. He also built the Colonial Hotel, located on the east side of Gay Street between Main and Cumberland, and rehabilitated the Bijou Theater, creating its current design. He remodeled the Burwell Building, expanding it when the Tennessee Theater was built. Atkin founded the C. B. Atkin Furniture Company, which was located downtown and in Oakwood, and was one of the largest furniture and fireplace mantel manufacturers in the country. He was noted as the largest individual taxpayer in Knoxville in 1921, and was instrumental in many of Knoxville's charitable and promotional activities. Atkin died in 1931, bringing to an end the family's involvement with Edelmar, but it remains as an example of the summer homes built by prominent Knoxvilleians who could escape the heat and congestion of the city, as a reminder of the important role Atkin played in the development of Knoxville, and as a significant architectural representation of the Craftsman style. Since the last Cultural Resources Plan update, more of the history of Edelmar has become available, and the house has achieved an age that cements its eligibility for National Register and HZ (Historical Overlay) zoning. The county portion of the Cultural Resources Plan Update is now being researched. That update, when complete, will include this house as an eligible property. Additionally, the house was recently listed as No. 15 on Knox Heritage's 2007 'Fragile 15' list, a compilation of the most endangered historic buildings and places in Knox County. See the attached article from the May 16, 2007 Knoxville News Sentinel. The historic and architectural significance of the house should not prevent a rezoning of the property. Preserving the house with a building lot for it would be consistent with the applicant's proposed reuse.

THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available in the area to serve the site.
2. At the applicant's requested density, up to 150 dwelling units could be proposed on the subject property. The development of the proposed attached dwelling units would add approximately 1,350 vehicle trips per day to the street system and about 28 children under the age of 18 to the school system. Sight distance appears to be available on Topside Rd. for the development entrance, but this will need to be certified on the development plans.
3. If more than 75 units are proposed on the development plan, a traffic impact study will be required to be submitted as part of the concept plan/use on review process.
4. This section of Alcoa Hwy. is scheduled for improvements within the next 5 to 10 years, with the current estimated construction start date in calendar year 2010. TDOT will be widening Alcoa Hwy. to 6 lanes and adding a barrier in the median to prevent all left turns. The current proposal is to connect east and west Topside Rd. with an overpass and create a modified interchange with Alcoa Hwy. that eliminates left turns. (See attached depiction on aerial photograph.) This would improve what is now a dangerous intersection that could become more dangerous as more future development adds trips to Topside Rd., adding to the turning movements on Alcoa Hwy. This proposal may not be appropriate were it not for these upcoming improvements to this intersection.
5. The recommended zoning and density is compatible with the surrounding zoning, and the impact on adjacent properties will be minimized during the use on review/concept plan process.

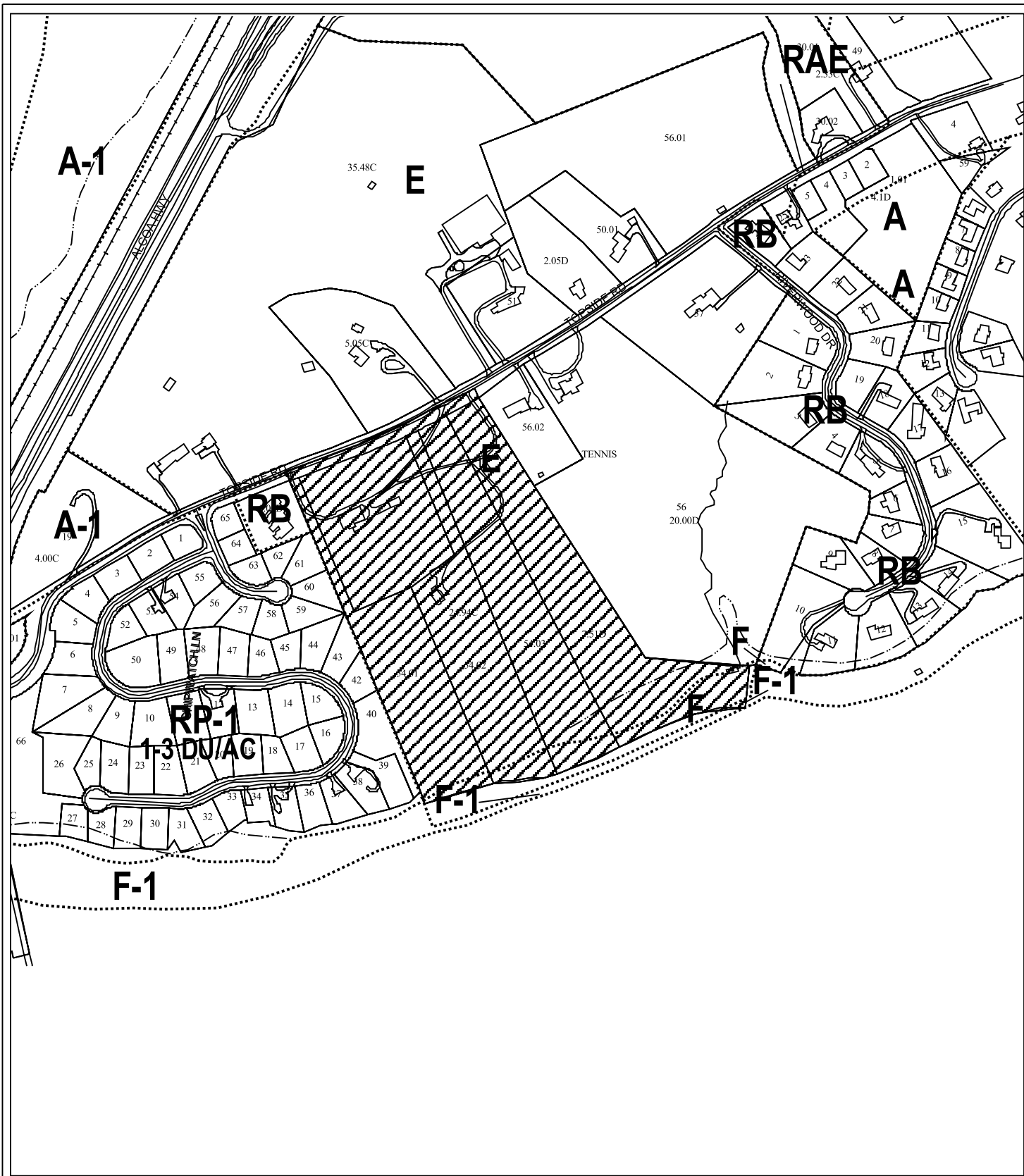
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The South County Sector Plan proposes low density residential uses for the site, consistent with this proposal.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. This request may generate similar requests for low density residential zoning in this area in the future, consistent with the sector plan proposal for the area.

Upon final approval of the rezoning, the developer will be required to submit a concept plan/use on review development plan prior to the property's development. The plan will show the property's proposed lot pattern and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

If approved, this item will be forwarded to Knox County Commission for action on 7/23/2007. 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.



**1-L-07-RZ
REZONING**



From: E (Estates)
To: PR (Planned Residential)

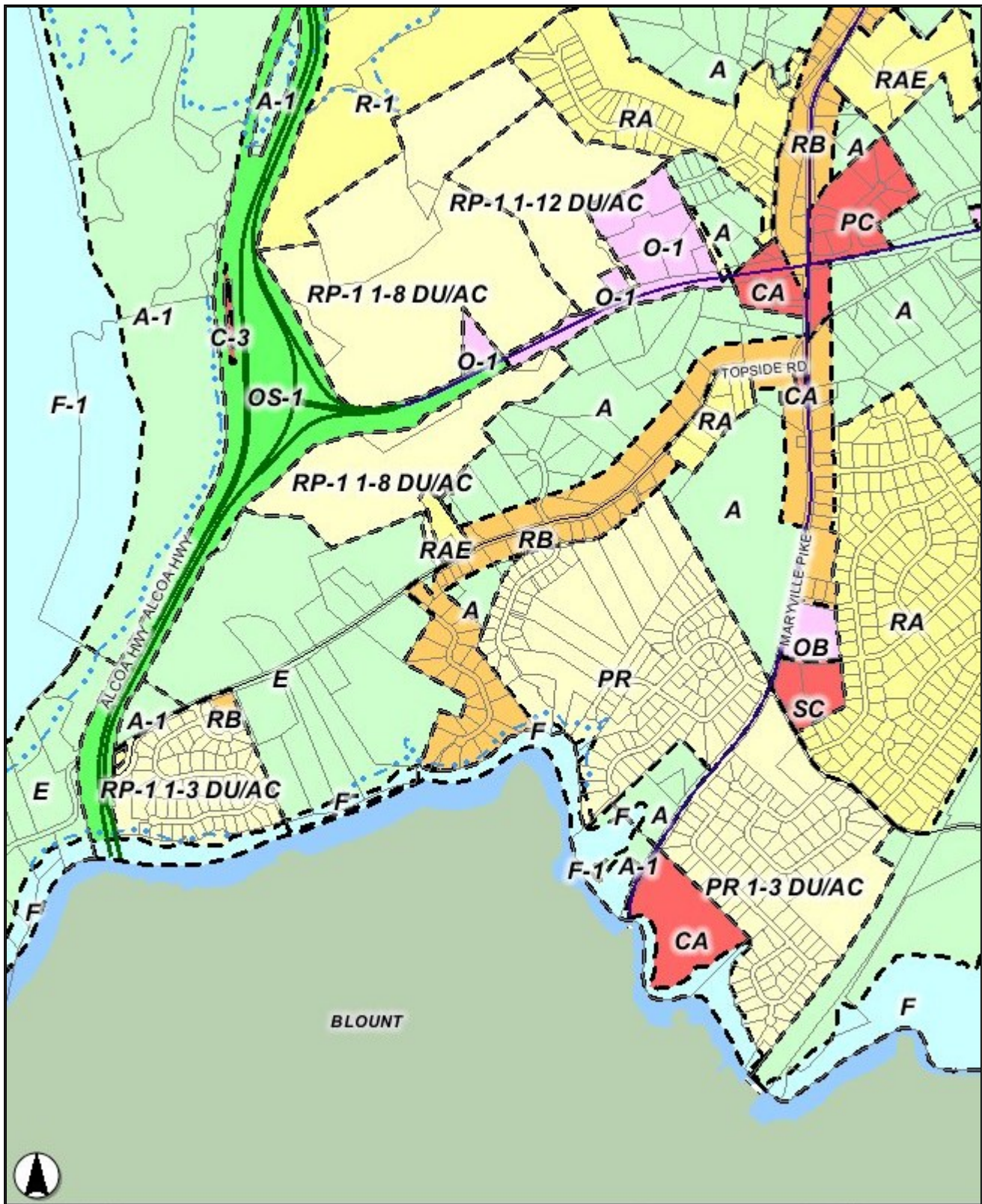
Original Print Date: 12/27/06 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Camdun Realty, I

Map No: 147

Jurisdiction: County





© KGIS 2007

0 1320ft

KGIS Map

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37902 - www.kgis.org

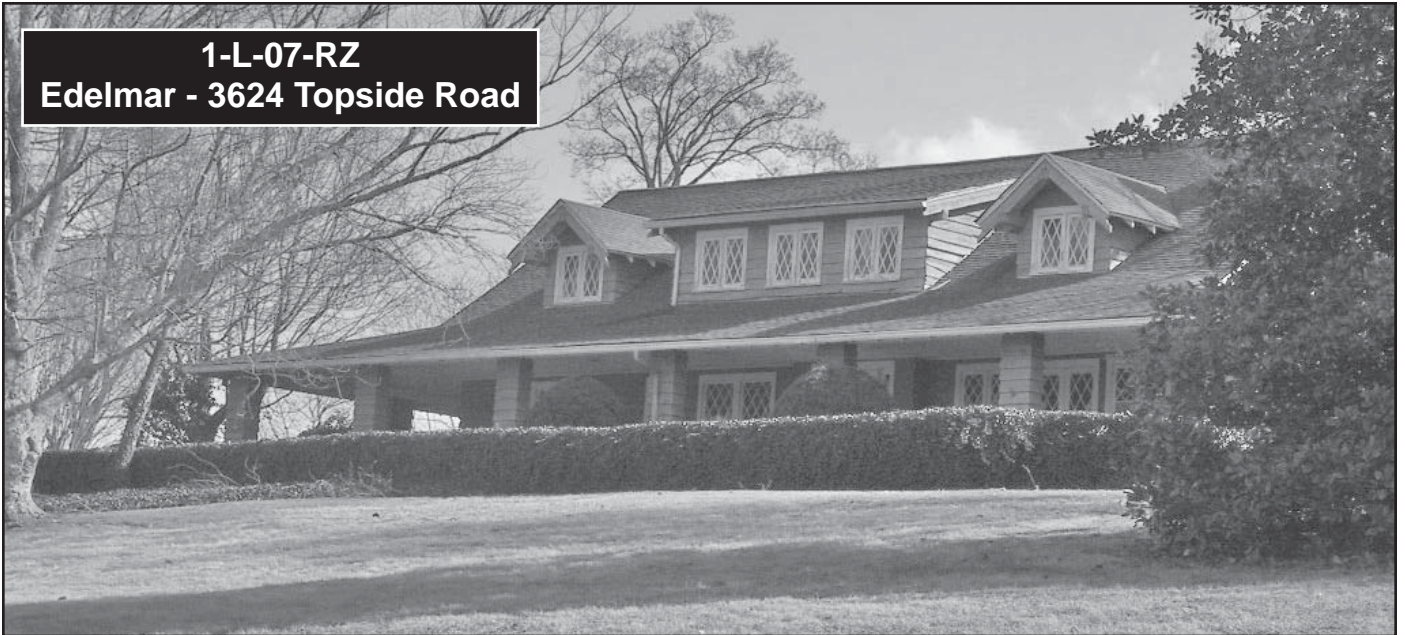
Printed: Wed May 30 2007

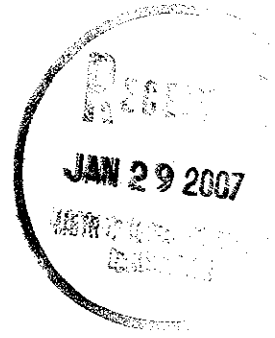
Disclaimer: KGIS makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product. KGIS - Copyright © 2007

1-L-07-RZ



1-L-07-RZ
Edelmar - 3624 Topside Road





January 29, 2007

To:

Susan Brown, Art Clancy, III, Herbert L. Donaldson, Sr., Richard Graf, Kimberly K. Henry, Chester Kilgore, Jack Sharp, Robert Anders, Trey Benefield, Ray Evans, Stan Johnson, Robert M. Lobetti, Rebecca Longmire, c. ~~Roby~~ Massey, Mary Parker Slack, *Larry Clark, Paul Pinkston*
Mark Donaldson

MPC Commissioners:

We bought in Topside about 18 months ago because we value the privacy, the wildlife, and the peacefulness of the neighborhood. We spent years looking for the perfect place to have it all - waterfront, acreage, and a great neighborhood - and we both fell in love with this historic community.

Right away, however, we noticed how incredibly tricky it is to turn left from Alcoa Highway onto Topside. The traffic is moving much faster than the speed limit and we have personally witnessed collisions right in front of us. Why not put in a stop light? Once on Topside, the road becomes narrow, curvy and quite dangerous especially when passing another vehicle. Large dump trucks and "lost" 18-wheelers (occasionally in the neighborhood) make passing nearly impossible without going off the edge of the road and into a neighbor's yard. So when we learned of a developer's plan to petition to change our zoning to accommodate more dwellings per acre than our estate zoning allows, we felt compelled to challenge it not only because it would change the character of our neighborhood but we simply can't handle any more traffic.

We believe the developer can still maximize profits with our current estate zoning by creating a very upscale, "grand mansion" style waterfront development similar to Mallard Bay. The current infrastructure could handle the dozen or so homes that the 30 acre development would allow much better than a more dense zoning could and the property tax revenue would be significant as well.

Although our property is located on the west side, changing the zoning for the entire Topside Community would definitely affect the future of our neighborhood negatively too. Currently, there is a vacant parcel adjacent to our property for sale being advertised as "multi-family" zoning even though the current zoning is estate. Granting the rezoning would give the buyer of that parcel the ability to develop perhaps as many as 15 dwellings!

Topside Community, especially the west side, has an identity of a small, historic community characterized by park-like open space with an abundance of wildlife - deer, fox, owls - which will be destroyed by changing the zoning. Knoxville needs Topside Community just like it is - there are plenty of other developments with high density zoning. Where will people choose to live who want what Topside Community represents if you allow it to change?

At your next meeting on February 8th, please do not allow our zoning to be changed.

Sincerely,

Bill & Arla Bunker

Bill and Arla Bunker
4416 Topside Road
Knoxville, TN 37920
865-300-1982

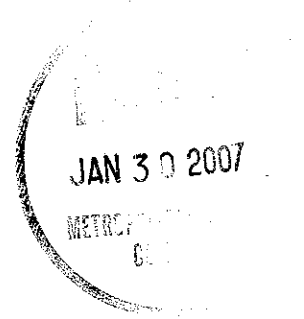
Reference: 1-L-07-RZ (Camdun Realty One)

MPC June 14, 2007

Agenda Item # 74

January 27, 2007

Mark Donaldson
MPC Executive Director
Suite 403, City/County Building
400 Main Street
Knoxville, Tennessee 37902



RE: MPC - Camdun Realty, I
MPC File # 1-L-07-RZ

Dear Mark:

The above referenced file comes before MPC on February 8, 2007 requesting a rezoning of a parcel of property in my community which has historically and is currently zoned as Estate Zoning.

I am a long time resident of this community, Topside Community, which I am sure you are familiar with. We value our community and work hard to maintain its character and quality of life for our residents. Knoxville/Knox County has long emphasized the need for healthy communities. Granting this rezoning request from Low Density to High Density development will destroy our healthy community. Topside Road/Alcoa Highway does not have the infrastructure in place to accommodate the increased volume of traffic.

Mike Campbell's purchase of the property was with full knowledge of its zoning status as Estate Zoned. He should not be allowed to come into our community or any community and change the zoning to suit his personal planning requirements.

I urge you to deny this Rezoning Request in MPC#1-L-07-RZ!

Best regard:

A handwritten signature in cursive script that reads "Wayne".

A. Wayne Baker

Jan, 27, 2007

JAN 30 2007

Dear Mr Mark Donaldson, MPC Executive Director,

I am writing to you to express my concern relative to a proposed rezoning request from the current estate zoning (1 unit/2 acres) to planned residential (up to 5 units/acre) for a 30 acre property located on E. Topside road (MPC file # 1-L-07-RZ). This property is within a community called Topside which is all estate zoning. The requested rezoning would allow for up to 150 units on a single property within a community in which residents have purchased homes, often in large part, because of the estate zoning requirement and resulting spacious settings. Knowing that the property was zoned estate when it was purchased at auction, it seems completely unreasonable to me for the developer to request such a radical change in the makeup of a neighborhood. I would be even more disappointed if the MPC should approve such a request.

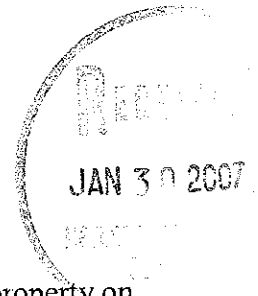
Although the desire to retain the spacious and wooded nature of the Topside community is important to me, a serious concern for everyone is traffic safety. The intersection of Topside Rd. and Alcoa Hwy, even with the recent improvements is an extremely difficult left turn, either onto or off of Alcoa Hwy. during the heavy rush-hour traffic. Addition of 150 units would more than double the number of residents in this entire community and therefore increase the traffic dramatically. If a bridge is built at some time in the future providing access to and from Alcoa Hwy. via ramps, consideration of changing the zoning might be appropriate at that time. However, as I am sure you are aware, such long-range plans are often not fulfilled, or only after years of delay. In my opinion, allowing over-development of a community prior to completion of sufficient infrastructure would be a huge judgement error with irrevocable consequences. As an alternative in contrast and in the same area of Knoxville, there is much land along John Sevier Hwy which has the appropriate infrastructure (roads) for higher density development. John Sevier Hwy. is a much wider road without sharp turns and has good ramp access onto adjoining highways (Alcoa Hwy, Chapman Hwy, Strawberry Plains, and I-40) for smooth access through Knox County.

It is my understanding that the MPC is not only concerned with the development of land but also with the development and preservation of communities. I urge you to represent the residents of the Topside community and oppose this request to increase the allowable housing density by 10 fold (from 1 unit/2 acres to 5 units/1 acre).



Keith Robinson, Ph.D
4218 Beechwood Dr.
Knoxville, TN 37920

Jan 29, 2007



Dear Mr Mark Donaldson,

The MPC is being asked to approve a request to rezone a 30-acre residential property on E Topside Road ((MPC file # 1-L-07-RZ). I am writing to express my concern relative to this request. This property is within a community called Topside, which is all estate zoning. The property was zoned estate when it was purchased at auction by the developer currently making the request. Medium sized houses with lots that allow for open spaces, natural spaces, characterize the neighborhood and amenable to birds and wildlife, which is the reason we live there.

Rezoning as requested would allow for up to 150 units on a single property. This is within a community in which residents have purchased homes in part because of the estate zoning requirement, and woodland settings. The addition of 150 units would more than double the number of residents in this entire community.

Traffic patterns and safety issues are additional serious concerns of this community. The roads in this neighborhood are narrow. Luckily there is currently not a lot of traffic, and existing traffic drives slowly and carefully. The intersection of Topside Road and Alcoa Highway, even with the recent improvements, is an extremely difficult left turn, either on to or off of Alcoa Highway. This is especially true during the heavy rush-hour traffic.

Allowing developers to buy property with plans to develop them in defiance of local zoning regulations makes a mockery of having zoning laws. A decision to change zoning laws, and therefore the quality of life in the community, traffic patterns and safety, without considering the opinions and welfare of this existing community would be a mistake. Further, making those changes without the development of appropriate infrastructure are decisions based on financial motives, and not in the interest of the people of Knoxville or of individual communities. I imagine that resultant safety problems such as traffic accidents will be a matter of legal issue when such development impacts the health and lives of residents in communities affected by rezoning.

It is my understanding that the MPC is concerned with the development and preservation of communities. I urge you to represent the residents of the Topside community and oppose this request to increase the allowable housing density by 10 fold (from 1 unit/2 acres to 5 units/1 acre). I trust that you will not be the organization to favor big business over the lives of the people living in your community.

Patricia Robinson, MD, MS
4218 Beechwood Dr.
Knoxville, TN 37920

(1-L-07-RZ)

Dear Mark Donaldson

JAN 29 2007

As a MPC Executive Director you command a very **responsible** position. It is essential that Knox County has a long term logical planning process. **We are grateful for that!**

NEIGHBORHOOD PLANNING
COMMISSION

As a member of The Topside Community Club Inc., one of the first "Community Plans" recorded by the Knox County Courts, I speak with pride and gratitude for this strong **Estate plan's success over the past 57 years** of neighborhood organization and work. Topside has provided for resident families many basic services by partially financing and making available, water lines, Gas connections, consulting and contributing an accreted design artist to obtain a two-lane bridge over the railroad. We petitioned to have the property transferred from railroad ownership into Knox counties highway system. Our neighbors have worked closely with DOT for safer roads addressing difficult traffic control problems.

This **Tennessee State Corporation** has bylaws, officers, dues, a yearly published directory, and an annual business meeting to report on the progress of improving and satisfying neighbors needs. The community landscapes and provides water for the Topside Road entrance, encourages volunteers to participate in river cleanup, the Neighborhood Watch program, and to be involved in many other civic duties. We officially took part in the Knoxville 200th anniversary by financially dedicating some special plantings. A "Time Capsule" was buried with the area history, this included outlines of the Topside Pike and many historic remembrance items

The two acre land restriction requirement of Estate Zoning has provided protection for our wildlife, --the birds, --and provides space for nature to prevail and display East Tennessee area at its best. We honor our neighborhood and the community that surrounds us. The Estate Zoning area has provided Knox County with a beautiful community entrance that "sets the stage" for great expectations to come. I have had visitors from many states that can not imagine such a "Jewel", so very close to Knoxville and the Airport, has been preserved.

The narrow, curvy, 1920 designed roads, built by the homeowners, **can not withstand** any more traffic!!! Our speed limit is ignored to say the least.

The property owned by **Camdun Realty, I MPC File No. 1-L-07-RZ was purchased with all the Estate restrictions clearly publicized before the auction.** The restriction requested change was a shock to the community. Five dwellings to one acre is ridiculous! It is hard to believe that our professionals of MPC staff are recommending this design for a 2.3 million dollar piece of property???

The Camdun Realty,1 MPC File No. 1-L-07-RZ land is a treasured Historical piece of property that our Knox County planners should encourage its preservation not its destruction.

Topside stands as one of the outstanding communities that **planners dream of providing its citizens. We vote, study public needs, support the business community, contribute to our political leaders,** and are willing to give hours of service to improve living conditions.

One fault of our Estate two acre property is that you can hardly find a piece of property to purchase. A plus for our controlled zoning and value maintenance. **People want to love the land and the space larger lots provide. "Don't Fence Me In" is more than a song--it is a intense feeling.**

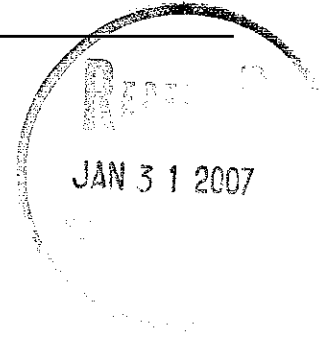
Please **reject** the Planned Residential request applied for and **protect** our Estate zoning that has **provided Knox County so very many benefits in the past fifty seven years.**

Thank you sincerely,
Anne Dean McWhirter
Anne Dean McWhirter
Topside Board Member
4017 Topside Road,
Knoxville, TN 37920
January 27,2007

January 27, 2007

1-2-07-RZ

#58



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

RE: TOPSIDE COMMUNITY REZONING

Dear Mr. Donaldson:

My family and I have lived in the Topside Community for sixteen years. We were drawn to the community because of its beautiful rural setting. For fourteen years we resided on Riverwood Drive, which connects with Topside Road. About five years ago we purchased acreage on Topside Road, and nearly two years ago we built our present home. Every time I leave or enter the Topside Community I feel a special appreciation for the views of horses, barns, large lawns, pastures, and trees. The uniqueness of our community is what drew us here years ago, and what has caused us to remain here. Except for the years I was away in college and five years working out of state, I have lived in Blount or Knox County. I was familiar with the beautiful Topside Community long before I moved here, and have long considered it an important part of Knoxville's character just as the Fort Sanders, Fountain City, and Sequoyah Hills areas.

Over the past sixteen years we have already seen a number of negative development-related changes, which are causing our community to lose its unique character. I have already seen a significant increase in traffic on Topside Road, as well as cars which travel well in excess of the speed limit. What was once a safe walking or running route has actually become dangerous at certain times during the day. I stop weekly to pick up trash on our property that individuals have thrown out of their cars, and I see an increasing amount of litter accumulating beside Topside all the way to Alcoa Highway. I have seen an increased number of wild animals which have been hit by cars. These are animals, which have been displaced due to all the development which has occurred in the area for the past several years. It saddens me to think that their natural habitats will be increasingly eroded. Last year a church, which bought the land behind our property, cut and burned every tree from several acres of their property, displacing all kinds of wildlife and greatly increasing the noise level from Alcoa Highway.

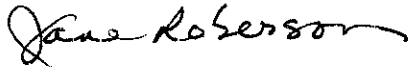
The entrance and exit lanes at Alcoa Highway have helped tremendously. However, I turn left toward Pellissippi to go to work in the mornings, and this is an extremely dangerous intersection which would only become more dangerous if more people are

Topside, page 2

negotiating the morning traffic at that site. There have been a number of fatal motor vehicle accidents at and near this intersection since we have lived here, and I would only expect the number of deaths to increase with a significant increase in population. Alcoa Highway is already considered throughout Knoxville and Tennessee as being a very deadly highway.

I am vehemently opposed to any change in the estate zoning status of our community. I believe that the Topside Community is part of what makes Knoxville unique, and I strongly urge you to oppose this rezoning request. I believe it will only add to the detriment of our community and to the whole of Knoxville.

Sincerely,

A handwritten signature in cursive script that reads "Jane Roberson".

Jane Roberson

Jan. 29, 2007

Ray Evans, Vice Chairman

RE:I-L-07-RZ

MPC
City County Bldg.
Knoxville, Tn.

FEB 1 2007

Mr. Evans:

The attempt to re-zone the Topside neighborhood flies in the face of the area's history and imaginative planning. This area has been estate zoned since the 1950's

The notion of real estate developers cloaked in the mantel of progress defines open acreage as a cash advance for their self-interests. The comforts of a low density area might be wonderful to behold to some, however, it comes at a high cost: destruction of open land, (fish and wildlife), fast rising slums, dissolution of the ozone layer and crowded impassable roadways.

Please, do not squander the energies of those who prudently and with foresight wrote the the existing laws for our topside community.

We, 250 homeowners of this area do not appreciate being thought of vassals of some real estate developer. We firmly believe our concerns will always trump those of special interests.

Sincerely,



Don Bachman

January 29, 2007

FEB 1 2007

To: *Mark Donaldson, MPC Executive Director*

Susan Brown, Art Clancy, III, Herbert L. Donaldson, Sr., Richard Graf, Kimberly K. Henry, Chester Kilgore, Jack Sharp, Robert Anders, Trey Benefield, Ray Evans, Stan Johnson, Robert M. Lobetti, Rebecca Longmire, C. Randy Massey, Mary Plarker Slack

MPC Commissioners:

We bought in Topside about 18 months ago because we value the privacy, the wildlife, and the peacefulness of the neighborhood. We spent years looking for the perfect place to have it all - waterfront, acreage, and a great neighborhood - and we both fell in love with this historic community.

Right away, however, we noticed how incredibly tricky it is to turn left from Alcoa Highway onto Topside. The traffic is moving much faster than the speed limit and we have personally witnessed collisions right in front of us. Why not put in a stop light? Once on Topside, the road becomes narrow, curvy and quite dangerous especially when passing another vehicle. Large dump trucks and "lost" 18-wheelers (occasionally in the neighborhood) make passing nearly impossible without going off the edge of the road and into a neighbor's yard. So when we learned of a developer's plan to petition to change our zoning to accommodate more dwellings per acre than our estate zoning allows, we felt compelled to challenge it not only because it would change the character of our neighborhood but we simply can't handle any more traffic.

We believe the developer can still maximize profits with our current estate zoning by creating a very upscale, "grand mansion" style waterfront development similar to Mallard Bay. The current infrastructure could handle the dozen or so homes that the 30 acre development would allow much better than a more dense zoning could and the property tax revenue would be significant as well.

Although our property is located on the west side, changing the zoning for the entire Topside Community would definitely affect the future of our neighborhood negatively too. Currently, there is a vacant parcel adjacent to our property for sale being advertised as "multi-family" zoning even though the current zoning is estate. Granting the rezoning would give the buyer of that parcel the ability to develop perhaps as many as 15 dwellings!

Topside Community, especially the west side, has an identity of a small, historic community characterized by park-like open space with an abundance of wildlife - deer, fox, owls - which will be destroyed by changing the zoning. Knoxville needs Topside Community just like it is - there are plenty of other developments with high density zoning. Where will people choose to live who want what Topside Community represents if you allow it to change?

At your next meeting on February 8th, please do not allow our zoning to be changed.

Sincerely,

Bill & Arla Bunker

Bill and Arla Bunker
4416 Topside Road
Knoxville, TN 37920
865-300-1982

Reference: 1-L-07-RZ (Camdun Realty One)

7511 Little River Dr.
Knoxville TN 37920
January 30, 2007

C. Randy Massey
Massey Electric Company
3204 Regal Drive
Alcoa, TN 37701

FEB 1 2007

Re: 1-L-07-RZ, Camdun Realty I

Dear Mr. Massey:

As residents of the Topside community, we urge you to deny the proposal (1-L-07-RZ, Camdun Realty I) to rezone our community from Estate Zoning to Planned Residential. This proposal is currently scheduled to be heard by the Metropolitan Planning Commission on February 8, 2007. Although we understand that economic growth and community development is imperative, we also believe that Knox County planners should be cognizant of -- and preserve -- the unique qualities of existing, healthy communities in Knox County. This rezoning proposal will undermine these interests.

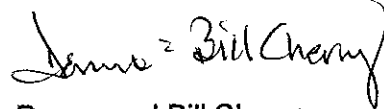
We moved to Knoxville six years ago. Although our realtor showed us many homes in West Knoxville, expecting that we would be attracted to new housing developments and newer commercial areas, those were not our priorities. Rather, we were attracted to the Topside Community because of the physical beauty and local history. As much as West Knoxville is attractive to some as a more contemporary area in Knox County, South Knoxville is defined by its open, pastoral feel, the beauty of the mountain views, and the historic legacy as a summer retreat for Knoxville residents.

The Estate Zoning in our Topside neighborhood gave us the peace of mind that we would be able to continue to live in and enjoy this environment indefinitely. As such, we were willing to deal with the already-dangerous Alcoa Highway (aka the "I'll Kill Ya Highway" as we were soon informed) and the narrow Topside roads. We were also willing to pay more for property here because we felt we would not be subject to property de-valuation due to high-density development: again, the attractiveness of the current zoning.

The unrestricted flow of traffic on the Alcoa Highway makes it dangerous to enter and exit safely from the Topside Roads. The amount of traffic on the Alcoa Highway has visibly increased in the time we have lived here, placing our current population at increasing risk. Rezoning will drastically increase the number of cars that will need to enter and exit the Alcoa Highway from Topside Road. Again, as Alcoa Highway has unrestricted flow, this will clearly increase the risk of accidents and fatalities to our residents as well as to Alcoa motorists. Despite plans for a flyover bridge, we have been informed that it will be a minimum of six years before this structure is completed. As such, a zoning change is irresponsible given the existing lack of infrastructure.

Topside Community is an asset to Knox County because of the Estate Zoning. Our existing community is healthy, responsible, and represents a desirable style of living that draws new, responsible citizens to the area and keeps existing residents here. We urge you to protect this asset by denying any zoning changes.

Sincerely,

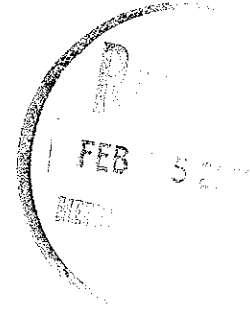
A handwritten signature in black ink that reads "Donna & Bill Cherry". The signature is written in a cursive style.

Donna and Bill Cherry
cherry72989@yahoo.com
865/579-4318

cc: Mark Donaldson

1/30/2007

Dan and Nannette Daley
3924 Topside Rd
Knoxville TN 37920



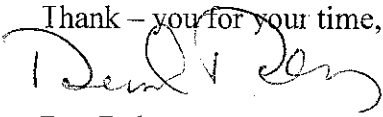
Re : MPC file # 1-L-07-RZ (Camdun Realty One)


Dear MPC Member,

I am writing to ask you to please support us in not re-zoning the current estate zoning we have in our Topside Community. This estate zoned area is one of the last remaining in Knox County and we need to preserve the integrity and long-standing character of our neighborhood. This estate zone is in fact, to many of our neighbors and ourselves, an expectation of living here on Topside Rd, and one of the many reasons we bought here; the best of both worlds - quiet, open spaces, and yet close to all the many amenities that Knox County offers. Just a few days ago when I looked out my front window, there were 3 deer standing in our front yard. Do you think that could have possibly happened if I had a neighbor within a few feet of my front door? If we had wanted that "close -to-the-next-house-feeling" we would have bought in a traditional neighborhood with 5-8 houses per acre. This area was not built for, nor intended to have more than the current residents that we have now. There is simply not adequate water, sewer, or more importantly road access available currently. I understand that possibly there would be in the future but that HAS to come first, not after. It is not safe, nor designed for the high density of traffic that would be involved on Topside Road or Alcoa Highway

Please, please help us preserve our current estate zoning and way of life.

Thank - you for your time,


Dan Daley


Nannette Daley

To MPC Commissioners:

02-01-2007

FEB 5 2007

Mark Donaldson, MPC Exec. Dir.,
Ste 403 City County Bldg
400 Market Street
Knoxville, TN, 37902

I am sending this letter regarding the proposed rezoning on East Topside Rd. Former Akers Estate. My wife and I moved from West Knoxville two years ago to get away from the congestion and constant construction around the area where we lived. We wanted to find an area that was convenient but not so congested. When we found Topside road we fell in love with the area. We both work at Blount Memorial Hospital so the drive is not that bad and we are close to downtown. This area is beautiful a lot of horse farms and estate style houses. When we saw the Akers Estate property was going to be auctioned off we were not that concerned because the property had been divided into 5-7 acre lots. Apparently the sellers thought this would be the best way to go being that the area was estate zoned and by selling the property in 5-acre lots this would keep with the atmosphere of the community. If the zoning is changed to plan residential allowing condos to be built (5 dwellings per acre) this could have the potential of adding 150 condos with 2 cars per household. Getting onto Alcoa highway is dangerous enough already think about how that would be if 300 more cars were trying to enter onto Alcoa highway. The only other way to get onto Alcoa hwy, would be to come down East Topside take a left onto hwy. 33 then another left onto the outlet road by Weigles. This would create a backup of traffic that would only cause more accidents. East Topside Rd. is a very narrow road and there is not a lot of traffic coming and going on the road. If the rezoning is allowed to take place it will have a horrible effect on the community. Not only will East Topside become more dangerous to travel but also life in the community will be affected as a whole with the added noise and accidents that will happen on the narrow road. It seems to me that beauty of our area is being replaced by development and urban sprawl. We are asking for your help to stop the rezoning. I would hate to see our community become another Northshore Drive where every available acre has been developed. Knoxville has been emphasizing the need to create healthy communities this plan will erode a healthy community. I hope you will consider these factors before allowing this to happen. **MPC file number 1-L-07-RZ (Camdun Realty 1)**

David K. Powell

David K Powell

Cindy R. Powell

Cindy R Powell

3342 East Topside Rd.
Knoxville, TN. 37920

Mr. Mark Donaldson
MPC Executive Director
Suite 403, City/County Bldg.
400 Main Street
Knoxville, TN 37902

February 1, 2007
James & Margaret Hart
3346 E. Topside Rd
Knoxville, TN 37920

FEB 5 2007

Dear Mr. Donaldson,

We are writing this letter to advise you that we oppose the proposed rezoning on East Topside Rd (MPC file number 1-L-07-RZ Camdun Realty I)

Topside Road is a narrow, winding road which already hosts more traffic since the enhancements recently made on the Alcoa Highway side. People find it a handy shortcut from Alcoa to Old Maryville Pike, and vice versa. Particularly during rush hour, people use Topside Road and speeding is a problem that will undoubtedly cause a serious accident soon. The addition of some 150 condominiums will only exacerbate the situation.

Knoxville/Knox County has stated its interest in creating healthy communities with proper infrastructure in place. The existing Topside infrastructure is not capable of safely handling the additional traffic burden that 150 condo's would bring. The result would be a very dangerous threat to the safety and quality of life of current residents. Nor does Alcoa Highway itself, have the infrastructure in place to accommodate the additional traffic that would be created if this rezoning were to be approved.

We ask that you consider the above facts, and reject the rezoning proposal contained in MPC file number 1-L-07-RZ.

Thank you for your consideration

Sincerely,


James Hart


Margaret Hart

Mr. Greg Swaggerty
3434 Topside Rd
Knoxville, TN 37920

MPC Commissioners
c/o Mark Donaldson
MPC Executive Director
Suite 403, City/County Building
400 Main Street
Knoxville, TN 37902

FEB 05 2007

MPC file number: 1-L-07-RZ (Camdun Realty I)

Mr. Donaldson,

I was shocked to find out that the Atkins estate was in the process of being rezoned from estate to planned residential with 5 dwellings per acre. I fully expected the estate to be developed with residential housing such as the adjoining Anchorage development or even a more upscale development retaining the estate zoning. However, a 5 unit per acre condominium development is completely inappropriate for this community. I read through the MPC staff's recommendation to approve this and feel that they have not done their research or represented the facts properly. To suggest that this type of development is in-line with the rest of the community is not true. Where else does this exist in the Topside community? The existing condominium development adjoining the Atkins estate has 5 units total. Yes, there is other property in the area zoned for planned residential. But, it is not of this size and does not contain any condominium developments. I did a rough calculation of the average acreage per house in the community and it was just under $\frac{3}{4}$ of an acre. This rezoning would cut that in half!

Approval of the rezoning effort would completely change the landscape of our community and result in:

- 1) Overuse of Topside Rd. (already a very dangerous stretch of road)
- 2) Additional catastrophic accidents at the Alcoa Hwy intersection.
- 3) A complete traffic nightmare on Topside if the left turn on Alcoa Hwy is eliminated while construction progresses for 5 years. How would an additional 150 families, 300 cars, get to the Pellissippi Pkwy or Maryville. You would have to put a red light on Maryville Pike/Topside to let traffic out in the morning.
- 4) Increase the potential of pedestrian accidents on Topside which would include our children.
- 5) Open the door to future developments of the same type.

I strongly oppose this rezoning effort and will be at the meeting on Feb. 8th. I hope you value our community.

Sincerely


Mr. Greg Swaggerty

Mrs. Alicia Swaggerty
3438 Topside Rd
Knoxville, TN 37920

FEB 5 2007

February 3, 2007

MPC Commissioners
c/o Mark Donaldson
MPC Executive Director
Suite 403, City/County Building
400 Main Street
Knoxville, TN 37902

MPC file number: 1-L-07-RZ (Camdun Realty I)

Dear Mr. Donaldson,

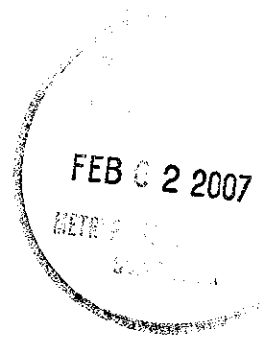
We saw the re-zoning signs posted on our road, but never dreamed of all the construction planned until we received the paper in our mailbox. With seeing the signs, we could imagine someone wanting to line their pockets with residential development similar to the Anchorage development, but strongly object to the 150 condominiums! This type of development will erode our community for several reasons:

- 1) Our road is already dangerous. The posted speed limit is 30mph, but no one follows that. And with Topside Road paralleling John Sevier Highway, we already have increased traffic with those knowing of this "shortcut." Just checking our mailboxes can be dangerous.
- 2) We will not allow our 3rd grade daughter take the bus due to the high speeds that cars travel on our road. The road is narrow and the many children that live in our community cannot play in their front yards with this danger. You are planning to add to this dangerous situation with allowing the addition of at least 150 (with the possibility of 300 with two per unit or more). Since we will not allow our child take the bus to/from school, we need to make a left hand turn onto Maryville Pike. Currently making this left hand turn has a wait of up to 7 minutes. The danger to this intersection is added to those vehicles sneaking to the right of you to make a right hand turn (they get tired of waiting, too), and makes our wait longer due to that vehicle blocking our vision to make a safe turn. Adding these additional vehicles can only increase this wait and danger.
- 3) Alcoa Highway is already well-known as a high-risk accident highway ("I'll Kill Ya Highway). Adding these additional vehicles can only increase the accident rate and God forbid, more deaths. You say there will be a fly-by bridge connecting Topside Road on either side of Alcoa, but that will not be completed in time of the condominium development. Not to mention, you taking away our left hand turn to go to Maryville and Pellissippi Highway to our jobs and providing for our children. I can envision that we would travel across the fly-by bridge, then turn around on the other side to continue onto Alcoa Highway. This will not only effect our side of Topside Road, but bring in the community safety on the other side of Topside Road.
- 4) With the frequent electrical outages in our community, I learned from KUB that we live in an area with a very old electrical grid. I work from home and rely on electricity and the Internet to make my living. Adding these 150 condominiums can only increase the electrical outage rates, as well as decrease the bandwidth on our Internet service in our area.

We would love that you could guarantee that the safety of our citizens (especially our children) and our quality of life will not be compromised, but based on the facts presented, you cannot make such a guarantee!!! We don't believe that the infrastructure would be in place BEFORE any development. That would just be the greater of the evils, anyway. The only way NOT to compromise our community, is to NOT ALLOW such a condominium development to take place. I strongly oppose this rezoning effort and will see you at the meeting on Feb. 8th.

Sincerely,

Alicia M. Swaggerty



January 31, 2007

Mark Donaldson
MPC Exective Director
Suite 403 City/County Bldg.
400 Main Street
Knoxville, TN 37920

Ref: MPC File # 1-L-07-RZ (Camdun Realty 1)

I'm sure you are very aware of this very important issue to come up at the February 8th MPC hearing.

I'm concerned about the impact on our schools that increased enrollment presents and, especially, the increased school bus traffic on Topside Road which is a very narrow rural road.

Probably more important than this-- Alcoa Highway, as we all know, is a high-accident throughway. One of the highest-accident points is at New Topside Road just inside Blount County, less than a mile south of this proposed development. Another is at the "improved" intersection at Alcoa Highway and Topside Road East in Knox County. This is the closest intersection to the proposed development. This additional traffic would only add to the confusion and danger at these points.

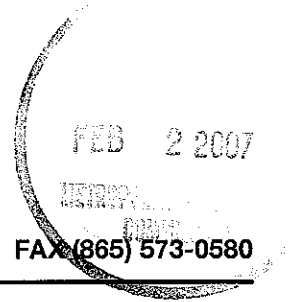
Please help protect our quality of life in this area which is one of the higher-valued residential areas of our entire 9th District.

Please vote **"NO"** for changing this zoning as proposed.

Sincerely,

Roxeth Jones
6936 Rye Road Dr.

KENNETH W. HEATHINGTON, PH.D., P.E.
Consulting Engineer
7653 CHARLTON DRIVE
KNOXVILLE, TENNESSEE 37920



PHONE (865) 573-0500

FAX (865) 573-0580

February 1, 2007

Mark Donaldson
MPC Executive Director
Suite 403
City/County Building
400 Main Street
Knoxville, Tennessee 37902

Dear Mr. Donaldson:

I live in the Topside Community on the west side of Alcoa Highway. My wife, Dr. Betty S. Heathington, and I purchased the property in 1986; thus, we have been in this area for over 20 years. Both my wife and I are retired from The University of Tennessee. We purchased the property with the understanding that estate zoning controlled the development in the area. We did not think that this would change, at least in our lifetime. However, to our amazement a very limited number of individuals want to change our residential area.

I am a licensed civil engineer in several states of which one is the State of Tennessee. I have practiced in the highway safety field for over 43 years and still consult in this field throughout the United States and in Canada. I am attaching a brief sketch of my background just to provide you with a basis for my statements in this letter.

I have been in meetings recently where we have discussed the proposed rezoning of certain property from estate to planned residential with the ability to place 150 residential properties on 30 acres fronting Topside Road on the east side of Alcoa Highway. I am familiar with the location of the property and have very strong objections to the rezoning both as a professional engineer in the highway safety field as well as a homeowner in the Topside Community. The Institute of Transportation Engineers (ITE) of which I am a Fellow shows that single family detached residential can generate as much as 21.85 motor vehicle trips per day per unit. Thus, on the upper limit, one could anticipate as many as 3,278 motor vehicle trips per day added to Topside Road on the east side of Alcoa Highway.

GEOMETRICS OF TOPSIDE ROAD

The geometrics of Top Side Road in the area of the proposed rezoning are very deficient even for the traffic using the facility at the present time. There are steep vertical curves, sharp horizontal curves, very limited sight distances, and a somewhat narrow roadway without shoulders. To add the potential of 3,278 motor vehicles each day to this roadway violates all engineering principals in the traffic engineering and safety field. In my professional opinion, this could contribute to establishing a very unsafe environment not only for the new travelers but also for those already using the facility.

ALCOA HIGHWAY

I have been living in the Knoxville area for almost 35 years and have lived in the Top Side Community for over 20 years. Alcoa Highway has had severe safety problems ever since I have been in the Knoxville area. In the 1970's, I was asked to perform a study on Alcoa Highway as to the problems which existed and the alternatives to addressing the issues. Very little has been done in the past 30 years although the problems have been well known. I have personally met over the years with Commissioners of Transportation, one Governor and various City and County officials in meetings to discuss the problems with Alcoa Highway. In one meeting which we had with a Governor, Commissioner of Transportation, and the Mayor of Knoxville and a few other people, the state personnel kept insisting that as soon as I-140 was completed, the problems with Alcoa would be solved. My comments to the group were that the opening of I-140 would have little impact, if any, on the operation of Alcoa Highway.

During the construction of the new bridge over Little River, there were accidents resulting in death and serious injury. I contacted TNDOT several times outlining what was occurring and that corrections should be made. Nothing was done and people lost their lives. I talked with the contractor personnel about what they were doing that was unsafe and they simply replied that it was approved by the state.

People who state that improvements are to be made on Alcoa Highway in the near future know very little about the process and what it will take to correct the severe safety problems.

INTERSECTION OF TOPSIDE ROAD WITH ALCOA HIGHWAY

The intersection of Top Side Road with Alcoa Highway has a terrible design whether you are traveling from the east or west side. I am forced to use the intersection regularly and routinely observe near misses all the time. One will also notice glass on the roadway from time to time which is indicative of some type of impact. The sight distances are not adequate, the speeds are very high for the facility, and the offset of the two roadways make it very unsafe to enter or leave from the east or west. Adding another 3,278 motor vehicles to the intersection each day is really absurd.

IMPACT ON WATER ON LITTLE RIVER

Little River is very crowded in the summer with recreational watercraft. We have a boat and have water frontage. To add perhaps a 1,000 or more people to the water in Little River in the summers will severely degrade the water recreation activities for those already in the area.

REASONS FOR REZONING

From a totally professional viewpoint, the only reason that I can determine for rezoning the property is to take care of financial interests of the developer. The impacts on the transportation facilities will be very severe and very negative. The impacts on the water on Little River will be severe. Thus, the justification for the zoning change permitting as many as 3,278 more motor vehicle trips in and out on 30 acres in the Topside area on Topside Road cannot be in the interests of safety by preventing deaths and injuries or in even sustaining the amenities available to the current residential owners in Topside. Given the inadequate roadway facilities in this area, the zoning should be kept a at very low density.

I have held several discussions with a large number of people in the Topside area and have not found one single homeowner who supports the rezoning. I strongly urge each and every member of the MPC to use professional criteria, not political criteria, in determining what should be done with the proposed rezoning.

Sincerely,

Kenneth W. Heathington, Ph.D., P.E.

KWH:lom
enclosure

KENNETH W. HEATHINGTON, PH.D., P.E.
CONSULTING ENGINEER
7653 Charlton Drive
Knoxville, Tennessee 37920
PH: 865-573-0500

Dr. Kenneth W. Heathington, P.E., holds a B.S. (Petroleum Engineering) and M.S. (Civil Engineering) from The University of Texas (Austin) and a Ph.D. (Civil Engineering) from Northwestern University. He President, Applied Research Associates, Inc., and has held positions as the Associate Vice President for Research and Professor of Civil Engineering, The University of Tennessee; President, The University of Tennessee Research Corporation; and Director, University Venture Capital Center, The University of Tennessee; Director of the Transportation Center, The University of Tennessee; he is retired from The University of Tennessee and holds the rank of Professor Emeritus. He has been Associate Administrator for Traffic Safety Programs, U.S. Department of Transportation; Associate Professor of Civil Engineering, Purdue University; and has held engineering positions with the Illinois Division of Highways, Texas Highway Department, and Continental Oil Company.

He is a licensed professional engineer in the states of Illinois, Indiana, Tennessee and Mississippi.

He has been actively engaged in highway safety, highway design and operations, traffic engineering including accident reconstruction and pedestrian movements for over 43 years. His research efforts have been devoted primarily to the transportation engineering and highway safety field and have resulted in the authorship of some 174 papers, reports, and books.

He has been President, The University of Texas Chapter of the Institute of Traffic Engineers; Chairman of the Board, Greater Lafayette (Indiana) Public Transportation Corporation; Executive Director, Airport Ground Transportation Association; Board of Directors, Tennesseans for Better Transportation; Member, National Safety Council, Highway Traffic Safety Division; Secretary/Treasurer, Council of University Transportation Centers; Vice President, Council of University Transportation Centers; President, Council of University Transportation Centers; Editorial Advisory Board, Specialized Transportation Planning & Practice; Advisory Board, Institute for Safety in Transportation, Inc.; Member of Steering Committee, Venture Exchange Forum; The University of Tennessee representative to the White House Conference on Domestic and Economic Affairs held in Knoxville, Tennessee; Delegate to and testified before the White House Domestic Council Public Forum held in Tampa, Florida; Testified on transportation policies and issues to Congress and to various levels of legislative and governmental committees and agencies; The University of Tennessee representative to the National Academy of Sciences Transportation Research Board; Member, National Academy of Sciences Transportation Research Board Committee on New Transportation Systems and Technology which is concerned with research associated with new systems and/or the application of new technology to the transportation field; Member, National Academy of Sciences National Cooperative Highway Research Program Advisory Panel B8-12, which was responsible for monitoring NCHRP Project 8-12-Travel Estimation Procedures for Quick Response to Urban Policy Issues; Chairman, National Academy of Sciences Transportation Research Board Task Force A1T57, Urban Mass Transportation; Chairman, National Academy of Sciences Transportation Research Board Committee A1E02, Public Transportation Planning and Development; Chairman, National Academy of Sciences Transportation Research Board Advisory Committee on Airport Landside Capacity; Chairman, National Academy of Sciences Transportation Research Board, Section E,

Group 1 Council; Chairman, National Academy of Sciences Transportation Research Board, Group 1 Council Publications Committee; Chairman, National Academy of Sciences Transportation Research Board Group 1 Council; Chairman, Microcomputer Applications in Transportation, National Academy of Sciences Transportation Research Board; Chairman, National Academy of Sciences Transportation Research Board Study Committee for the Double-Trailer Truck Monitoring Study; and Chairman, Advisory Board of the Fairview Technology Center.

He has worked with various states and cities on transportation issues throughout his transportation engineering career.

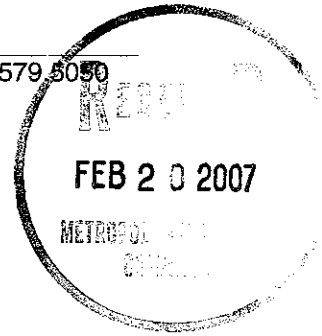
He is or has been a member of Chi Epsilon, Tau Beta Pi, Sigma Xi, Transportation Research Board, National Society of Professional Engineers, American Society of Civil Engineers, Institute of Transportation Engineers, American Society of Engineering Education, Society of Research Administrators, American Board of Forensic Examiners, Human Factors and Ergonomics Society, and various other organizations. He has been listed in Who's Who in America, Who's Who in American Education, Who's Who in Technology, Who's Who in the South and Southwest, American Men and Women in Science, The Directory of Distinguished Americans, Personalities of America, Personalities of the South, Dictionary of International Biography, Biography International, and The International Directory of Distinguished Leadership.

He has been qualified in both state and federal courts as an expert in highway design, highway safety, traffic engineering, railroad-highway grade crossing design and operations, human factors, and accident reconstruction throughout the United States and in Canada.

Benjamin and Judith Bryan

4420 Topside Road • Knoxville • TN 37920 • 865.579.5050

Mr. Mark Donaldson
MPC Executive Director
Suite 403, City / County Building
400 Main Street
Knoxville, TN 37902



REFERENCE: 1-L-07-RZ (Camdum Realty One)

Dear Mr. Donaldson:

My wife and I are residents of Topside Road on the peninsula in Knox County. We urge you to deny the rezoning request referenced above.

Our experience as long-term residents of Topside Road has been one of fulfillment and pride in the Topside community. The community has the reputation of being one of the best and most convenient locations in the county in which to live. The referenced rezoning will, most likely, not only have the effect of eroding the long-standing character of the community along Topside Road, but will also change the living expectations of the 250 plus folks who invested and bought property there.

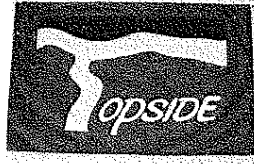
Neither Topside Road nor Alcoa Highway is designed to handle the resulting increase in traffic density that would result from an approval to rezone. Alcoa Highway is already famous as one of the most dangerous highways in Tennessee and the traffic density is making access even more deadly every day. One frequent family conversation concerns who will be killed or injured next trying to access Alcoa Highway during morning and evening rush hour. We are aware that the situation is supposed to improve, but so far we have seen little action on the part of those responsible.

Unfortunately, we have had unfortunate experiences before with promises from developers along Topside Road. A prime example was the promise from one developer to develop luxury condominiums along Topside road but pursued development of low quality, high-density structures instead. So I hope you will understand that we have a propensity for doubting the promises of developers concerning Topside Community.

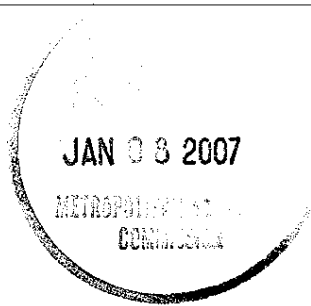
Again, we strongly urge you to disapprove the zoning request.

Sincerely,

Ben and Judith Bryan



#74



TOPSIDE COMMUNITY CLUB, INC.

January 4, 2007

MPC Commissioners
C/O Mark Donaldson
MPC Executive Director
Suite 403, City/County Building
400 Main Street
Knoxville, TN 37902

Re: Topside Rezoning (File Number: 1-L-07-RZ)

Dear MPC Commissioners:

It has just come to my attention today about your public hearing next Thursday (1/11/07) to consider the above request for rezoning some 30+ acres of open estate property, in our community, from Estate to Planned Residential for attached residential development. You may or may not be aware that this estate (the historic EDELMAR Estate) is the former summer residence of C.B. Atkin, one of the leading figures in Knox County during the late 19th and early part of the 20th Centuries. The house was built in 1914 and has been lived in and maintained since then by decedents of Mr. Atkin up until it was sold a month or so ago.

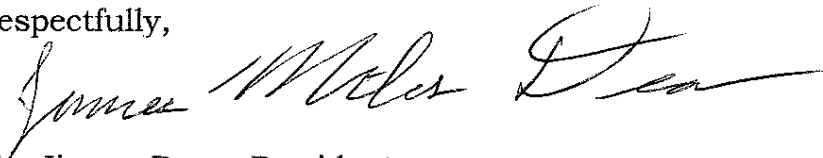
We, as a community, are greatly concerned about this potential change in zoning, fearing it would change the very character of the Topside Community, which due to current Estate zoning, has historically had very low residential density providing for only 1 dwelling unit for 2 acre lots. Our members have been in contact with the MPC personnel and have only learned that the applicant requests Planned Residential with up to 5 dwelling units per acre. No other information is available at this time. If passed, as requested, single family condominiums housing up to 150 families could result. This would be traumatic to the existing character of our neighborhood, notwithstanding the overload on the current infrastructure of roads, sewer, water, etc., that would no doubt occur.

We feel that rezoning at this time, without knowledge of the specific development plans for this site would be unfair to the community. Thus, we respectfully request that this issue be postponed until such time as the developer has a reasonably detailed plan specific to this property and one that can be discussed with the community.

Finally, I request we be included in any and all future correspondence regarding this issue.

Thank you in advance for taking our request and concerns into consideration.

Respectfully,



Mr. Jimmy Dean, President
Topside Community Club, Inc.
4021 Topside Road
Knoxville, TN 37920

Cc: Board of Directors, Topside Community Club, Inc.

KENNETH W. HEATHINGTON, PH.D., P.E.

Consulting Engineer

7653 CHARLTON DRIVE
KNOXVILLE, TENNESSEE 37920

MAR 1 2007

FAX (865) 573-0580

PHONE (865) 573-0500

February 27, 2007

Mark Donaldson
MPC Executive Director
Suite 403
City/County Building
400 Main Street
Knoxville, Tennessee 37902

#61
1-L-07-RZ

Dear Mr. Donaldson:

I have reviewed the rezoning report located on the MPC website and would like to comment on certain statements in the report as a transportation engineer who has worked in highway design, traffic engineering, and planning of facilities for almost 44 years. It is based on my years of experience and education in this area that I offer the following comments.

The proposed planned residential zoning is not compatible with the vast majority of the surrounding residential property. The statement on the website is totally false, and I have lived in the Topside Community for over 20 years and am familiar with the development in the general area. The vast majority of the acreage developed in this general area is zoned E (Estates). In addition, the proposed zoning is in no form, shape, or fashion adaptable to the geometric characteristics of the roadway system in this area.

While the land does have direct access to Topside Road, the fact is not addressed that Topside Road is totally inadequate to accommodate the amount of traffic that can be generated by the proposed development. I have difficulty believing that anyone with any expertise in the geometric design of streets and roads and traffic engineering and safety prepared the statement shown on the MPC website. It appears to be a political derivative.

While the land is close to Alcoa Highway, the statement fails to address the issue that the intersection of Topside Road with Alcoa Highway is a very, very unsafe facility with existing traffic much less adding the significant amount of traffic that will be added if the zoning is changed. I personally have to use this intersection going to and from our home, and it is one of the more hazardous locations in the area.

If all of the land mentioned as zoned at five dwelling units per acre in the area becomes developed, MPC will have created the worst traffic congested and unsafe location in the county. The value of the adjacent residential properties will be significantly lowered. I moved from Seven Oaks West over 20 years ago because of the development that was going to occur along

MPC June 14, 2007

Agenda Item # 74

Mr. Mark Donaldson

- 2 -

February 27, 2007

Kingston Pike. One should review the residential areas there now to see what has occurred. It has not been good. I would prefer to not have to move again. The value of our property and the opportunity for interested buyers will be lowered.

While it is stated that MPC will have to review site plans prior to any development of the property, if the same professional expertise is utilized in the review as used in recommending the zoning change, the results can be easily forecasted.

The estimated amount of traffic given in the MPC statements has utilized the lowest level of possible trip generation found in the Institute of Transportation Engineers (ITE) documents. I am a Fellow in ITE. MPC has conveniently ignored the upper limits that certainly can occur.

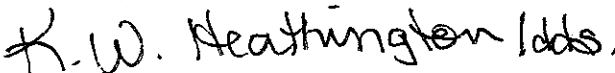
It is unbelievable that a statement was made that "sight distance appears to be available on Topside Rd." Either the individual(s) making this statement has never made a site inspection of Topside Road in the area or is totally unfamiliar with the standards for sight distances of the American Association of State Highway and Transportation Officials (AASHTO).

The statements made about the future changes proposed for Alcoa Highway in this area cannot be taken at face value. I personally worked with State and local officials about 30 years ago and through the years identified the needed improvements for Alcoa Highway. These have not been made as of this date. To even remotely believe that any significant changes will be made in the next five to 10 years is ludicrous. In addition, it is a fundamental principle that transportation improvements should lead development - not follow. It is unbelievable that any professional transportation engineer would recommend land development changes hoping that transportation improvements will occur in the future and knowing that everyone living in the general area can be placed in an unsafe and severely congested environment for many years, if not forever.

The statement that "the impact on adjacent properties will be minimized during the use on review/concept plan process" is difficult to believe if the same technical expertise is utilized as in the recommended approval process.

In summary, the justification for the zoning change is filled with inaccuracies and false statements. What is not clear at this time is whether this is intentional or simply a lack of professional expertise in developing the justification for a change in zoning. A zoning change based only on political influence will place an undue burden on those living in this general area. I strongly recommend against any zoning change.

Sincerely,


Kenneth W. Heathington, Ph.D., P.E.

KWH:lom

cc: Wayne Kline, Esq.
Topside Community Club, Inc.
Other Interested Individuals

MPC June 14, 2007

Agenda Item # 74



Date: May 6, 2007

Dear Mr. Mark Donaldson,

We are enclosing a copy of the letter we sent you in January stating our concerns and our opposition to **MPC File Number 1-L-07-RZ (Camdun Realty I)**. Our views remain the same. We are against this proposed rezoning project on East Topside Road.

Please **DO NOT PASS** this rezoning project (1-L-07-RZ Camdun Realty I).

Thank you very much for your time and your consideration of our views before voting on this issue.

Sincerely,

Steven and Rachelle McLees

Date: January 29, 2007

Attention: MPC and County Commission Members

Regarding: MPC File Number 1-L-07-RZ (Camdun Realty I)

To Whom It May Concern:

We are **AGAINST** the proposed rezoning on East Topside Road (former Akers' Estate). This proposed rezoning project is **MPC File Number 1-L-07-RZ (Camdun Realty I)-- to change from Estate Zoning to Planned Residential**. The proposed use is attached residential (condominiums) for up to 5 dwelling units per acre. This property is 30+ acres: Rezoning could result in 150 condos added to East Topside.

Topside Road is too narrow and too dangerous to accommodate the increase in traffic the rezoning project would create. Accessing Alcoa Highway (AKA: I'll Kill Ya Highway) from Topside Road is a "risky" endeavor at best because of the high volume of traffic on Alcoa Highway as well as the speed of said traffic. Increasing the numbers of people trying to utilize Alcoa Highway to and from Topside Road will only succeed in making a significant problem much worse.

It is totally inappropriate and irresponsible to allow this rezoning project to pass before securing the infrastructure that would accommodate such increases in population and traffic. This rezoning would have such a huge negative impact on the community. The safety of our children and our families would be placed in jeopardy and the quality of life of those of us living in the existing community would be threatened.

While we do not oppose free enterprise, ***we are against such enterprises like MPC File Number 1-L-RZ Camdun Realty I*** that jeopardizes the health, security and sanctity of our community. ***Please do not pass this rezoning project (1-L-07-RZ Camdun Realty I)***. It would be an injustice and travesty to place at risk and grave expense the quality of lives of those of us who love to live in the Topside community and who want to maintain the community's integrity.

Sincerely,



Steven Alan McLees and Rachelle Dyess McLees
Homeowners

Topside Hills Subdivision

Address: 6964 Riverwood Drive, Knoxville, Tennessee 37920

Telephone: 865-609-9772

Today: Mostly cloudy; a t-storm; not as warm
 High: 73
 Low: 52
 Details: B2

50 cents
 ★★★★★
 May 16, 2007

NEWS SENTINEL

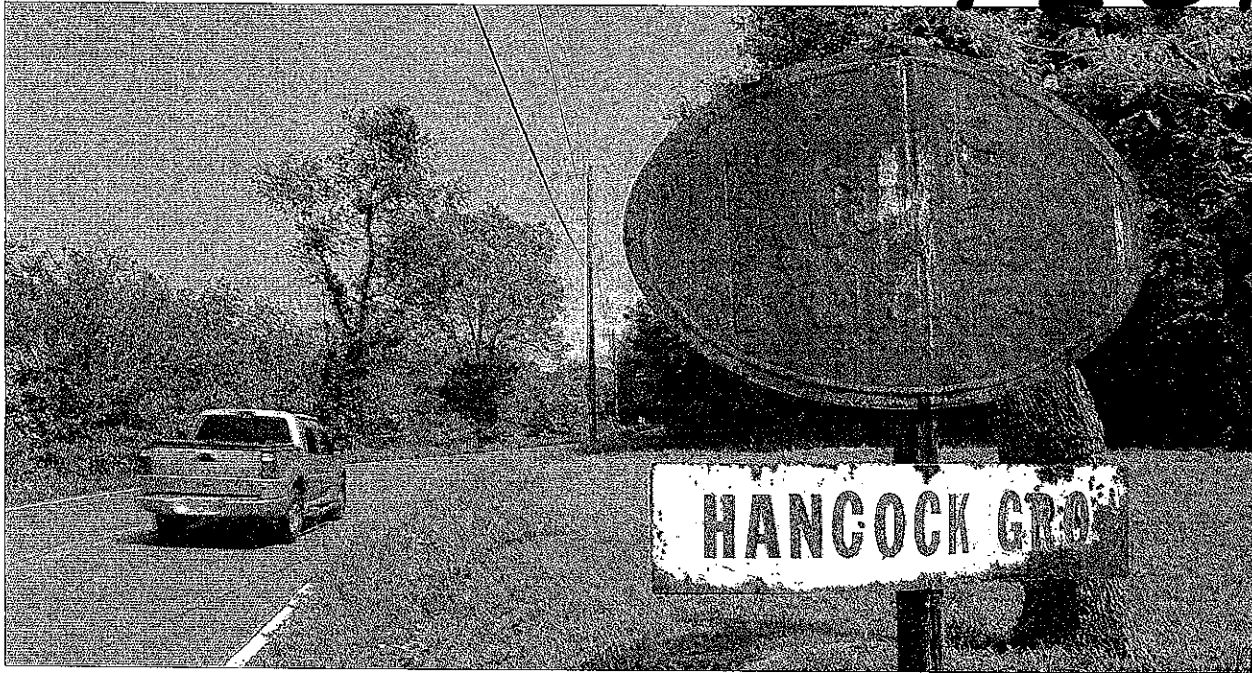
Knoxville

KnoxNews.com



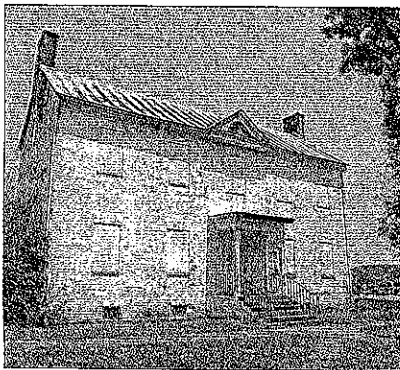
FAMILIAR MATCHUP — Farag Bearden advance to region champion

1-L-07-R2

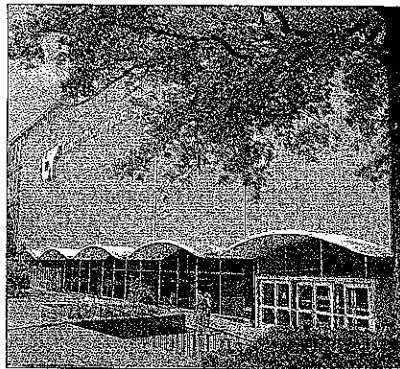


A truck passes a rusty sign along Kodak Road in East Knox County. The area, known as the French Broad River Corridor, was ranked No. 2 on Knox Heritage's 2007 Most Endangered Historic Places list, also known as the "Fragile 15."

PHOTOS BY CLAY OWEN/NEWS SENTINEL



The Col. John C.J. Williams House, 2333 Dandridge Ave., was built in 1826 and is No. 11 on Knox Heritage's "Fragile 15" list.



Knox Heritage ranked the University of Tennessee Conference Center, formerly Rich's Department Store, 600 Henley St., No. 3 on its list.



Rounding out the list at No. 15 is Edelmar, 3624 Topside Road. It was built in 1914 and was the summer home of prominent Knoxville C.B. Atkin.

HANDLE WITH CARE

'Fragile 15' list revealed, with warehouses back in No. 1 spot

BY TOM BENNING
 benningt@knews.com

Throughout most of Kim Trent's presentation Tuesday on the most endangered historic buildings and places in Knox County, she talked over the loud, repetitive thump of a hammer in the background.

By the time she reached No. 15 on the Knox Heritage list, she had stopped and turned toward a new sound from the McClung warehouses on Jackson Avenue — the whirring buzz of a saw.

ON KNOXNEWS.COM

■ Link to Knox Heritage's explanation of each property on this year's Fragile 15 list and get more information about the group.

"The sounds of destruction," Trent said with a laugh, almost in disbelief.

Two years after topping the "Fragile 15" the downtown warehouses regained the No. 1 spot in Knox Heritage's annual list, released each May to mark National Preservation Month.

"It's our job to help people understand what

is important and why," Trent said. "We are keeping it in the spotlight, saying, 'Here are issues we need to deal with.'"

The McClung warehouses moved back up the list after three of its buildings were destroyed in a Feb. 7 fire. The noises behind Trent came from cleanup of the rubble.

"It's really a great way to illustrate what happens with vacant and abandoned historic buildings," Trent said.

Built in 1911, the warehouses originally served C.M. McClung & Co., a wholesale hardware supply company.

See FRAGILE on A6

TV
 faci
 \$60
 defi

Agency eyes ways to offset weather's effects

BY ANDREW EDERA@knews

Staring at a possible \$60 million year, TVA is looking at belated ways to offset the effects of dry, mild weather on its power operations.

TVA also said Tuesday that it is planning to restructure some divisions as some divisions are restructured, but a spokesman said the federal utility's financial situation is unrelated to potential job cuts.

The utility expects earnings for fiscal 2007, which ends Sept. 30, to be 13 percent higher than the roughly \$431 million projected in its quarterly financial report filed with the Securities and Exchange Commission.

TVA's fiscal 2007 budget is \$4.5 billion, which relies on power sales to some extent in Tennessee, Kentucky, Alabama, North Carolina and Virginia.

"The effects of the weather on purchased power due to more expensive electrical capabilities, along with increased TVA's delivered cost of power," the report reads.

"Additionally, these factors affect the balance of cash and cash equivalents."

See TVA or

TERM-LIMIT TURMO

Chancellor
 one of two
 Agenda Item # 74
 over sunst

FRAGILE 15

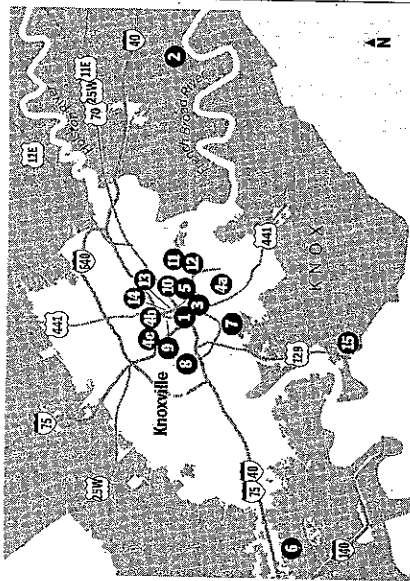
1. The McClung warehouses — 501-525 W. Jackson Ave.
Visible from Interstate 40 in downtown Knoxville, these early 1900s buildings were home to C.M. McClung & Co., a wholesale and hardware supply company. **Threat:** A Feb. 7 fire destroyed three buildings; fate of remaining structure undetermined.

2. French Broad River Corridor*
An important river for early Knox County settlers, this area contains numerous examples of 18th- and 19th-century architecture and history. **Threat:** Commercial and industrial rezonings at Midway Road and I-40 may hurt the relatively isolated area.

3. University of Tennessee Conference Center (formerly Rich's Department Store) — 600 Henley St.
This building, with glazed tile and bricks, "glass-enclosed

*New on list

Sources: Knox Heritage



Sources: Knox Heritage

corner towers and undulating concrete canopies," is a striking example of the modern design wave of the 1950s. **Threat:** Many do not recognize its architectural importance.

4. Vacant historic Knox County school buildings: South High (4a), Brownlow (4b) and Oakwood Elementary schools (4c)
Scattered throughout Knox County, these schools opened

in the early to mid-1900s. **Threat:** Preservation efforts at South High have been successful, but the other two remain neglected.

5. 26 Market Square
Originally the A.L. Young Dry Goods Store from 1880-1900, this building housed a number of businesses. **Threat:** Exception to redevelopment of Market Square; dangerous

state of disrepair.

6. Walker-Sherrill House — 9320 Kingston Pike
This is one of two remaining homes in Knox County "containing elaborate, unique hand-carved woodwork." **Threat:** Being crowded by commercial development

7. Fort Higley
This South Knoxville fort was a focal point in Civil War efforts to control the Holston River. Today, the only visible reminders of the fort are earthen trenches. **Threat:** Acreage listed for sale at \$3.8 million; scenic views conducive to development

8. Knoxville College National Historic District — 901 College St.
Founded in 1875, the historic buildings of this predominantly black college were designed and constructed by students. **Threat:** Lack of funding to preserve buildings

9. Minvilla (5th Avenue Motel) — 447 N. Broadway
Built in 1913, this set of 13 row

houses was indicative of a period of movement away from downtown. **Threat:** Preserved by Volunteer Ministry Center for residential use; should be off list soon

10. The Cal Johnson Building — 301 State St.
Constructed by Knoxville's first black millionaire, this building was initially a sewing factory. It is "most likely the largest commercial structure remaining in Knoxville built by a former slave." **Threat:** Deterioration and lack of maintenance

11. Col. John C.J. Williams House* — 2333 Dandridge Ave.
Williams, a Knoxville politician and son-in-law of James White, built this home, noted for its architecture, in 1826. **Threat:** Degradation while owned by state of Tennessee has not been completely undone

12. Williams Richards House — 2225 Riverside Drive
This historic plantation house, built by James White's grandson, reportedly

entertained the likes of President Andrew Jackson in the mid-1800s. **Threat:** Has not been restored

13. The Glencoe Building (615 State St.) & The Elliot Hotel (201 W. Church St.)
These two downtown residential hotels were the product of Knoxville's importance as a Southeastern rail center in the early 1900s. **Threat:** Condemned for building and safety code violations.

14. J.C. Penney Building — 412 S. Gay St.
Built after the "Million Dollar Fire" of 1897, this building originally was the Sterchi Brothers Furniture store. **Threat:** Lack of maintenance, but new owners are working on restoration

15. Edelman* — 3624 Topside Road
This early 1900s property was the summer home of C.B. Atkin, developer of large portions of Oakwood and Fountain City. **Threat:** Low; proposed rezoning to historic would help preserve property



1-L-07-R2

FRAGILE

from A1

Current owner Mark Saroff could not be reached for comment. Tuesday, Matt Turner, Saroff's business partner in other ventures but not the warehouses, said he did not know of any new redevelopment

owner of the properties to continue efforts to rehabilitate the buildings," he said.

This year's list includes 11 repeat sites, such as South High School on Tipton Avenue and the 5th Avenue Motel on North Broadway Avenue. Trent was pleased with the preservation efforts at those two sites and hoped they soon would be off

UT has invested in interior renovations, and Knox Heritage is concerned the exterior eventually will be redone in an effort to modernize.

"We worry that the building's exterior will be changed before the community understands the value of that architecture," Trent said.

In a statement, UT did not

LAWSUIT

from A1

Moncier's case was set for a jury trial July 11. Fansler had previously said he would consider merging the two lawsuits if Moncier would drop several other complaints unrelated to the Tennessee Open Meetings Act.

outside of public meetings, but they questioned whether the discussions were illegal.

"For years, the widely held view in the public is it only takes two to tango in violation of this act," Stackhouse said Tuesday. "I respectfully beg to differ."

The law applies to the convening of a governing body of a public body for which a quo-

vote, she argued.

"I can't imagine this statute was designed to give power to two over 17," Stackhouse offered.

The Jan. 31 commission meeting was prompted by a state Supreme Court ruling that upheld the Knox County charter's term limits, effectively ousting 12 county officeholders who had served two or more terms. They

May 2, 2007

Art Clancy III, Commissioner
Knoxville/Knox County MPC
1816 North Hills Blvd.
Knoxville, TN 37917

Ref: 1-L-07-RZ (CAMDUN REALTY, I)

Dear Art,

It has been a while since we chatted about this issue during St. Joseph's Mardi Gras Benefit in mid February. I've waited on sending this letter which further defines my view until the postponement phase ran its course and an actual hearing was likely to occur. It appears that is about to happen soon.

As you know the 30 acre property at issue here is the old C.B. Akin summer estate located directly across the street from my property on Topside Road. It is part of the very unique Topside Community, an organized community of less than 100 exclusive homes in South Knox County. This property, as well as most all of the property in the Topside Community, is currently zoned Estate and has been for over 50 years. Estate zoning, among other things, restricts building to 1 dwelling unit per two acres, thus protecting this community from higher density development which has allowed it to develop into the beautiful community it has over the last 5 decades. This developer is asking for rezoning to Planned Residential with up to 5 *attached* dwelling units per acre; a 10 times increase in density over what the average current density is for this community.

I am writing to provide you some insight on this subject from my unique perspective of having served 8 years as a MPC commissioner during the late 1990's. As we know the applicant's request for rezoning from Estate to PR up to 5 dwelling units per acre was approved by the MPC professional staff and now awaits approval from the MPC Commissioners. In my tenure as commissioner, I tended to follow the staff's recommendation as they are the professional planners and generally follow established planning guidelines for their reviews and recommendations. In this case the staff followed the various planning documents which recommend low density residential (PR @ 1-5 du/ac) in most buildable areas in the county that are now either rural residential or agriculture. Most zoning planning maps show these areas as *green* going to *yellow*. The problem is these planning maps do not differentiate between very established and mature rural communities like the Topside Community and other rural areas that, perhaps, do not have establish communities. All tend to get similar treatment by MPC when it comes to planned growth.

The Topside Community, indeed, has clearly established boundaries that date back to the middle 1800's when this area was part of the old Badgett/Russell Farm. It is generally bounded on the north by the Tennessee River, on the south and west by the Little River and on the east by the old Masterson Road. The area is now bisected by Alcoa Highway which in no way diminishes the neighborhood nature of our community. This is truly a unique and quite beautiful area, indeed, a rare place in Knox County. It has open rolling landscape, wooded hills, mountain vistas, lake front estates, minimal traffic, a small neighborhood character, historic homes and a legacy generated by the early families that settled here in the 1800's. The original farm house where the Badgett/Russell Farm owners and their descendants lived is now owned by Frank and Barbara Pettway. This Badgett Farm area remained pretty much intact as a farm until the early 1900 when several of Knoxville's prominent families of the time started to establish summer homes and hunting lodges in the area. Some of these names were Akin, Dean, McCroskey, Ford, Chapman and so on. In the fall of 1949, with great foresight to protect this unique and developing area, Judge Bozman and W.C. McCammon of the MPC met with community members and suggested they organize into an official body to pursue protective zoning. The Topside Community was thus formed and Estate Zoning was established by vote in 1950.

Thus, Estate Zoning has protected this community over the years allowing only very low density development and making it the unique community it is and an asset to Knox County. The pressure that the MPC has to establish higher density communities to accommodate future population growth trends is understandable, however, I don't believe it is anyone's intention to purposely degradate long standing, viable communities and neighborhoods such as ours for the sake of development. Increasing densities within this community by a factor of 10 would, indeed do just that. Approving higher density zoning will, no doubt, open the doors for future rezoning on the remaining open land in the Topside Community.

I request you consider the importance of these points to sustaining our community and vote against rezoning for this property; for it is neither good for our community nor Knox County. If you wish to discuss these issues further please feel free to call me on my cell (865-368-5781).

Sincerely,

Mark J. Margetts
3633 Topside Road
Knoxville, TN 37920

Cc: Mr. Mark Donaldson,
MPC Executive Director



Lt Col Frank H Pettway
4405 TOPSIDE RD
KNOXVILLE, TN 37920-6053

1-L-07-RZ

Dear Commissioner,

I am a 36 year resident of the Topside Community and writing to object to a change to the zoning of the former Akers property on Topside Road.

I and most of my neighbors, bought property here because of the low-density housing which Estate zoning calls for. A non-resident property owner is asking you to change the entire character of our area for profit and to the detriment of 100 resident families. This is unjust and should not be allowed. After all what is the purpose of zoning if it can be changed on request:

If NPC recommends a change to high density housing it should also recommend a reduction in our property taxes for the value of our property will surely fall.

Sincerely
Frank H Pettway