

On August 11, 2008, Barbara Barton called to express opposition by her and John Bagshaw to the development by Victor Jernigan at Tipton Station and John Sevier Highway, 8-G-08-RZ, Agenda Item No. 65.

From: Sarah Powell
To: Betty Jo Mahan
Date: 8/14/2008 3:44:30 PM
Subject: Fwd: development on John Sevier Hwy

>>> shumatem@k12tn.net 8/14/2008 2:10:54 PM >>>

Have huge concerns regarding any large units in our area- the traffic is already busier due to the development on Chapman Hwy. This development has already been denied – please keep to the Sector plan and deny again. Thank you, Martha Danford 930 Wildwood Gardens Dr. Wildwood Gardens Homeowners Association

From: Sarah Powell
To: Betty Jo Mahan
Date: 8/14/2008 8:59:12 AM
Subject: Fwd: Density application

>>> <gEORGEgILBERT05@comcast.net> 8/14/2008 6:09:15 AM >>>

Dear Ladies and Gentlemen

We are oposed to Mr Victor Jernigan's application to increase the density from 5 to 8.5 units per acre. Congestion could create terrible problems for our community.

Thank you

George and Joyce Gilbert

From: Angie Goddard <agoddard2k3@hotmail.com>
To: <mark.donaldson@knoxmpc.org>
Date: 8/11/2008 8:27:08 AM
Subject: FW:

We are opposed to the concept as described below: Greg & Angie Goddard, 7101 Martin Mill Pike, Knoxville, TN 37920 -- I do not think this is a legal way to get your property rezoned. We greatly appreciate Mr. Mark Donaldson, the Executive Director on the staff for the Knoxville-Knox County Metropolitan Planning Commission speaking at the South Doyle Area Homeowners Association meeting on Tuesday, August 5, 2008. However, we became greatly concerned when it became evident that there is a ploy to introduce a new concept to Knox County for what appears to be the sole purpose of furthering the desires of Mr. Victor Jernigan, the developer of some of the properties included in the proposal being presented under Item 65 on the August 14th, 2008 agenda (see attached). Therefore, we strongly oppose the approval of this application. Specifically, based on statements made by Mr. Donaldson and Mr. Jernigan during the meeting, there is apparently a plan to apply the concept of Transferred Development Rights (TDR). For those of you who may not be familiar with the concept, in general TDR is a method for creating conservation easements and is used as a planning tool to encourage the preservation of properties such as farmland, wetlands, and other natural resources, primarily creating open spaces and parks, while at the same time reducing sprawl by encouraging cluster development. For TDR to work as intended, it is necessary to truly set aside the properties where the development rights have been transferred through deed restrictions or permanent easements on those properties. Although the TDR concept is appealing and definitely has its place in the planning process for future development in Knox County, we believe it is being used in this case merely to circumvent the zoning process established for Knox County. During the SDAHA meeting, Mr. Mark Donaldson and Mr. Victor Jernigan attempted to lead the community to believe it was a viable option for Mr. Jernigan's development ambitions. However, to the best of our knowledge there are no provisions within the current process to implement the TDR concept. We have found no mention of TDR in any of the Knox County zoning ordinances or policies. Also, we question whether there are any legal safeguards in place to support the MPC staff recommendation to 'propose clustering the majority of the residential density in the center of the site to the exclusion of additional dwelling units being available for future development elsewhere within this district'. It does not appear Mr. Jernigan has purchased what he believes are development rights in return for the rezoning of the properties to Planned Residential (PR) so he can increase the density on his property, it does not appear that Mr. Jernigan ever intends to purchase all of the properties included under the proposal. Furthermore, it is not clear whether there have been any deed restrictions or permanent easements recorded on those properties not owned by Mr. Jernigan. In fact, it is not apparent whether the owners of those properties even know that there is a need for such permanent restrictions on their property. In conclusion, as stated previously, we believe that because Mr. Jernigan was previously denied his request to amend the South Sector Plan and the rezoning of his property to Planned Residential at up to 12 dwelling units per acre under Medium Density Residential (MDR), this is a ploy merely to circumvent the zoning process established for Knox County so he can exceed the currently approved zoning of Planned Residential at up to 5 dwelling units per acre under the Low Density Residential (LDR). In fact, we believe it is questionable whether the proposal outlined under Item 65 on the August 14th, 2008 MPC agenda is even legal under the current Knox County zoning ordinances. Therefore, we respectfully request that the MPC deny the

application.

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From: "Clara Hagaman" <cless@comcast.net>
To: <mark.donaldson@knoxmpc.org>
Date: 8/13/2008 12:38:40 AM
Subject: TO ALL COMMISSIONERS- VOTE NO

TO ALL COMMISSIONERS - MPC - FOR THURSDAY 8/14/2008 1:00 P.M. AND 1:30 P. M. FOR
65. WELLS CREEK, LLC 8-G-087-RZ

I REQUEST THAT ALL OF MPC VOTE NO. We do not need the transfer of development rights of property to Victor Jernigan for Wells Creek; rezoning from Planned Residential @ up to 5 du/ac in 2 districts to Planned Residential @ up to 5 du/ac in one district. I live on Tipton Station Road and this is not what we need or want in this community and in our front door. I beg you to use COMMON SENSE, EACH AND EVERYONE ON MPC and vote NO. We are NOT WEST KNOXVILLE. I am a handicap and cannot attend these meetings so please count my vote as NO. Clara Hagaman, 1412 Tipton Station Road

From: Sarah Powell
To: Betty Jo Mahan
Date: 8/14/2008 10:34:46 AM
Subject: Fwd: Wells Creek #65

>>> "Diane Humphreys-Barlow" <humphreysbarlow@gmail.com> 8/14/2008 10:33:57 AM
>>>

My grandmother used to say, "There are more ways to kill a cat..." I see that Mr. Jernigan continues to try to "kill the cat" in South Knoxville. His original concept of 5 units per acre was approved and not opposed by any South Knoxville residents. His efforts to expand this project have been repeatedly refused and are strongly opposed by neighbors.

Another common expression is "just because it is legal does not make it right." His efforts to get development rights from his immediate neighbors does not make this project any more agreeable nor does it make any more sense. MPC staff has recommended approval for this item in the name of increased density. If you look at this rural area, you might wonder at the issue of density. Increased density makes sense on Chapman Highway or Alcoa Highway, but John Sevier Highway is rural and is a scenic highway. A large apartment complex is not compatible with the surrounding area.

Please reject this request and let the current 5 units per acre stand.

Thank you,

Diane Humphreys-Barlow
1005 Tarwater Rd.
Knoxville, TN 37920

From: Sarah Powell
To: Betty Jo Mahan
Date: 8/14/2008 10:54:18 AM
Subject: Fwd: Wells Creek Development to ALL MPC COMMISSIONERS

>>> "Lisa Jerrolds" <Psalm14602@comcast.net> 8/14/2008 10:39:39 AM >>>

Dear Commissioners, I am again writing to you to express my discontent with the developer of the Wells Creek project on John Sevier Highway. In the fall of 2007 the Knox County Commission denied Mr. Jernigan's proposal of 12 units per acre as it is not consistent with the sector plan and other properties adjacent to his original property for this development. Last Tuesday Mr. Jernigan very colorfully expressed his plan to increase his original plan for purchase/rental units to approximately 120 units. You may verify this by viewing his unedited tape which he recorded at our local homeowners meeting. His plans for doing so, although very ingenious and crafty are also very deceitful and misleading. By purchasing the development rights of the adjacent properties he is planning to develop a higher concentration of purchase/rental units on his original piece of property by using the rights of his neighbors without actually using their property. I absolutely understand that this is legal, but I am certain that you can see it is simply a way to circumvent the original intent of the County Commission's ruling. I also understand that the MPC originally supported Mr. Jernigan's proposal last fall, but as Mr. McDonald witnessed himself last Tuesday night, Mr. Jernigan does not intend to abide the wishes of your or any other commission. He is determined to have his way despite the rulings of any governing body even if it means resorting to manipulation of intended restrictions. You do understand the intent of the Knox County Commission and I ask that you will uphold their decision again in this matter and request that Mr. Jernigan be required to develop only at the rate of 5 units per acre on the property that he currently owns and that this not be extended to neighboring properties owned by others or that he may attempt to buy in the near future.

One last bit of information that I would like to share is that within 1 mile of this property is a very similar type of development which has gone under. Although the project has been underway at least 2 years, the units have not sold as expected. These units will be up for auction this Saturday with 5+ lots still undeveloped. This project has sold and changed hands as well as realtors a couple of times during this attempt to develop. I am sure that you will agree that if this type of unit was in demand in our community, the developer would not have had such a difficult time reaching full capacity in at least a 2 year time period. Our hope is to not have a second project incomplete and only partially inhabited. Mr. McDonald told me personally that it is not your job to tell a person how to develop his/her property but only to decide if it fits in the guidelines provided. I again appeal to your common sense in the fact that Mr. Jernigan wishes to manipulate those guidelines and as is the case in the nearby development this could be to the detriment of our property values and our neighborhood.

Sincerely, Lisa B. Jerrolds
1418 W. John Sevier Hwy. Knoxville, TN 37920

From: Sarah Powell
To: Betty Jo Mahan
Date: 8/14/2008 3:43:37 PM
Subject: Fwd: Wells Creek

>>> <johnsonpartyof5@comcast.net> 8/14/2008 3:35:55 PM >>>
To whom it may concern:

My wife and myself own property in Woodhaven Subdivision here in South Knoxville. We are vehemently opposed to the proposal of Mr. Victor Jernigan to increase his dwelling units per acre. This will cause numerous problems and devalue our property as well as others in South Knoxville. We strongly urge you to disapprove this preposterous idea.

Sincerely,
Brian and Sandy Johnson

From: Sarah Powell
To: Betty Jo Mahan
Date: 8/14/2008 8:56:57 AM
Subject: Fwd: Wells Creek LLC request to increase housing density at Winkle Lane

>>> "David Kaz" <DKaz@controltechnology.com> 8/14/2008 8:47:31 AM >>>
MPC, I am opposed to Wells Creek LLC's request to increase housing density at Winkle Lane. I attended the December meeting on this subject and I felt that the reasons for opposing this request were well stated. This density increase does not adhere to the planning for this zone. Again, I am opposed to this request to change the zoning. Dave Kaz 8217 Pickens Gap Road, Knoxville

From: Sarah Powell
To: Betty Jo Mahan
Date: 8/14/2008 8:57:46 AM
Subject: Fwd: Mr Victor Jernigan rezone request (Please deny)

>>> <KIDDEAST@aol.com> 8/14/2008 8:15:53 AM >>>
MPC,

Please do not rezone our area. This area currently zoned correctly for keeping with the area. As stated to him before, he has zoning & area for his intial planed project. He now is changing all that & trying to get something more. He has left that whole project at a stand still. He needs to get on with the plan presented when he first aquired the property & be done. I hope that you will see our concern & dedication to not having just any rezoning to take place. He has tried many ways to get around us all. With a united front from the MPC & our homeowners & we can keep Knox county in the hands of Knox county.

Thank you for your support
William Kidd

Looking for a car that's sporty, fun and fits in your budget? Read reviews on AOL Autos.

From: Sarah Powell
To: Betty Jo Mahan
Date: 8/14/2008 8:58:43 AM
Subject: Fwd: please stop Wells Creek density increase

>>> "Kelly Krahwinkel" <kellykrahwinkel@gmail.com> 8/14/2008 8:04:00 AM >>>
Dear Sirs,

Please carefully consider Victor Jernigan's request to manipulate density ordinances. As you know, he was granted 5 units per acre. He seems to be trying to do an "end run" around that requirement by buying development rights from the neighboring properties. And these "development rights" aren't even binding on future property holders! I believe this move could set a dangerous precedent for Knox County with other dissatisfied developers.

Please keep our density as you approved it earlier in the year.

Respectfully,

Kelly Krahwinkel

From: Buz Johnson
To: Betty Jo Mahan
Date: 8/11/2008 9:46:42 AM
Subject: Fwd: Opposition to Item 65 on MPC Agenda 8-14-2008

FYI

>>> <Lezlie_Raney@teamhealth.com> 8/11/2008 9:39:21 AM >>>
RE: I oppose Item 65 on this week's MPC agenda sponsored by Mr. Victor Jernigan.

I wasn't able to attend the South Doyle Homeowners Meeting last week but appreciate Mr. Donaldson coming to speak to our group. We are always eager to learn about the processes of the MPC. I want to go on record that I am in opposition to Mr. Jernigan's Item 65 which will be considered by the MPC at this week's meeting. I do not trust Mr. Jernigan's motivation in this request and feel that he is trying to circumvent the previous denial he received the last go around on his development of this property. Please convey my feelings to the appropriate persons on the MPC. Thanks in advance.

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South Doyle Area Homeowners Association
c/o Carson Dailey
7508 Government Farm Road
Knoxville, TN 37920

August 12, 2008

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

RE: Agenda Item # 65 on the
Thursday, August 14, 2008 MPC Agenda
Wells Creek, LLC

Ladies and Gentlemen:

We greatly appreciate Mr. Mark Donaldson, the Executive Director on the staff for the Knoxville-Knox County Metropolitan Planning Commission speaking at the South Doyle Area Homeowners Association meeting on Tuesday, August 5, 2008. However, we became greatly concerned when it was evident that there is a ploy to introduce a new concept to Knox County for what appears to be the sole purpose of furthering the desires of Mr. Victor Jernigan, the developer of some of the properties included in the proposal being presented under Item #65 on the August 14th, 2008 agenda (see attached). Therefore, we strongly oppose the approval of this application.

Specifically, based on statements made by Mr. Donaldson and Mr. Jernigan during the meeting, there is apparently a plan to apply the concept of Transfer of Development Rights (TDR). For those of you who may not be familiar with the concept, in general TDR is a method for creating conservation easements and is used as a planning tool to encourage the preservation of properties such as farmland, wetlands, streams and other natural resources, primarily by municipalities for the purpose of creating open spaces and parks, while at the same time reducing sprawl by encouraging cluster development. For TDR to work as intended, it is necessary to truly set aside the properties where the development rights have been transferred from by applying deed restrictions or permanent easements on those properties.

Although the TDR concept is appealing and definitely has its place in the planning process for future development in Knox County, we believe it is being used in this case merely to circumvent the zoning process established for Knox County. During the SDAHA meeting, Mr. Mark Donaldson and Mr. Victor Jernigan attempted to lead the community to believe it was a viable option for Mr. Jernigan's development ambitions. However, to the best of our knowledge

South Doyle Area Homeowners Association
c/o Carson Dailey
7508 Government Farm Road
Knoxville, TN 37920
Page 2

there are no provisions within the current process to implement the TDR concept. We have found no mention of TDR in any of the Knox County zoning ordinances or policies. Also, we question whether there are any legal safeguards in place to support the MPC staff recommendation to “propose clustering the majority of the residential density in the center of the site to the exclusion of additional dwelling units being available for future development elsewhere within this district”. It appears Mr. Jernigan has purchased what he believes are development rights in return for the rezoning of the properties to planned residential (PR) so he can increase the density on his property. It does not appear that Mr. Jernigan ever intends to purchase all of the properties included under the proposal. Furthermore, it is not clear whether there have been any deed restrictions or permanent easements recorded on those properties not owned by Mr. Jernigan. In fact, it is not apparent whether the owners of those properties even know that there is a need for such permanent restrictions on their property.

In conclusion, we believe that because Mr. Jernigan was previously denied his request to amend the South Sector Plan and the rezoning of his property to Planned Residential at up to 12 dwelling units per acre under Medium Density Residential (MDR), this is a ploy merely to circumvent the zoning process established for Knox County so he can exceed the currently approved zoning of Planned Residential at up to 5 dwelling units per acre under the Low Density Residential (LDR). In fact, we believe it is questionable whether the proposal outlined under Item #65 on the August 14th, 2008 MPC agenda is even legal under the current Knox County zoning ordinances. Therefore, we respectfully request that the MPC deny the application.

Sincerely,

The South Doyle Area Homeowners Association

Cc: Knox County Commission

▶ **FILE #:** 8-G-08-RZ

AGENDA ITEM #: 65

AGENDA DATE: 8/14/2008

▶ **APPLICANT:** WELLS CREEK, LLC

OWNER(S): NUMEROUS

TAX ID NUMBER: 137 022.01,022.02,022.03 023.01,023.02,023.04,023.05,023.06,024-027,031,031.01

JURISDICTION: County Commission District 9

▶ **LOCATION:** South side W. Gov. John Sevier Hwy., east of Winkle Ln., northwest side Tipton Station Rd.

▶ **APPX. SIZE OF TRACT:** 29 acres

SECTOR PLAN: South County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W. Gov. John Sevier Hwy., a two lane, major collector street with 45' of pavement within a 100' right-of-way.

UTILITIES: Water Source: Knox-Chapman Utility District

Sewer Source: Knox-Chapman Utility District

WATERSHED: Stock Creek

▶ **PRESENT ZONING:** PR (Planned Residential) @ up to 5 du/ac in 2 districts

▶ **ZONING REQUESTED:** PR (Planned Residential) @ up to 5 du/ac in 1 district

▶ **EXISTING LAND USE:** Residences and vacant land

▶ **PROPOSED USE:** Attached residential development

DENSITY PROPOSED: 5 du/ac

EXTENSION OF ZONE: Yes

HISTORY OF ZONING: These properties were rezoned to PR @ 5 du/ac., in 4 separate applications over several years.

SURROUNDING LAND USE AND ZONING: North: W. Governor John Sevier Hwy. and residences /A, PR and RA Residential

South: Tipton Station Rd and residences / A Agricultural

East: Residences and vacant land / A Agricultural

West: Office, residences and Vacant land / OA and A Agricultural

NEIGHBORHOOD CONTEXT: This site is in an area of emerging urban residential development that has been occurring under RA and PR zones.

STAFF RECOMMENDATION:

▶ **APPROVE combining the PR (Planned Residential) zones into one district.**

The purpose of this rezoning application is to combine several separate PR zoning districts into one unified district with a maximum density of 145 dwelling units. Within this PR district the developer may propose clustering the majority of the residential density in the center of the site to the exclusion of additional dwelling units being available for future development elsewhere within this district. The density for the entire site will not exceed 5 du/ac., which is consistent with the South County Sector Plan recommendation for low density residential use.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The combination of these PR zones into one district will allow the developer to concentrate the majority of the density of this PR area into the center of the property.
2. The combination of these separate districts into one district will permit this site to be proposed for development in a similar manner to surrounding development and zoning.

THE EFFECTS OF THE PROPOSAL

1. Public water and sewer are available to serve the site.
2. The maximum density of 5 dwellings per acre will allow up to 145 units to be proposed for this site, would add 21 school aged children, and generate an additional 1,333 vehicle trips per day to area roads
3. MPC approval of a site plan is required prior to any development of the property. During this review, potential issues such as traffic, drainage, access, layout and other development concerns can be addressed.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The South County Sector Plan proposes low density residential uses for the site, consistent with this PR zone district combination.
2. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan Map.

ESTIMATED TRAFFIC IMPACT 1333 (average daily vehicle trips)

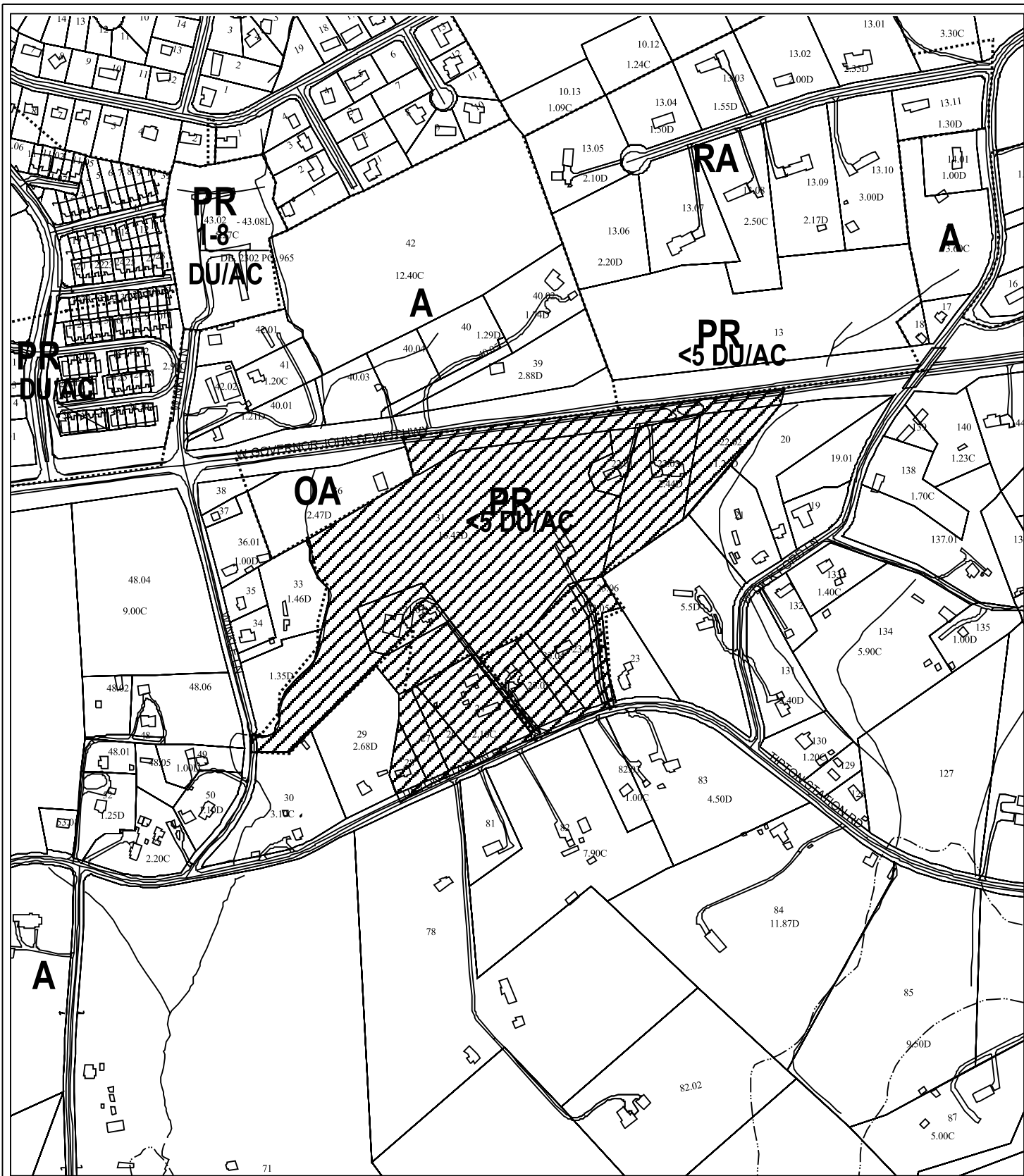
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 21 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Bonny Kate Elementary, South-Doyle Middle, and South-Doyle High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

If approved, this item will be forwarded to Knox County Commission for action on 9/22/2008. 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.




**8-G-08-RZ
REZONING**

Petitioner: Wells Creek, LLC

Map No: 137

Jurisdiction: County



 From: PR (Planned Residential) @ up to 5 du/ac in 2 districts
 To: PR (Planned Residential) @ up to 5 du/ac in 1 district
 Original Print Date: 07/17/08 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

From: <jamesstans@aol.com>
To: <mark.donaldson@knoxmpc.org>
Date: 8/11/2008 6:41:52 PM
Subject: Item 65 on August 14th Meeting

Dear Mr. Donaldson:

We would like to go on record to voice our opposition to Item 65 on the August 14th meeting.? My husband and I strongly oppose approval of this application.

We have lived in the South-Doyle Community all of our life.? We have strong roots in this neighborhood as well as many family members, friends, and neighbors.?

We do not believe Item 65 would be fair to the community nor do we believe it is legal.? We are going to encourage all to be present at the August 14th Meeting to voice our concern!

Thanks,

Mike and Cindy Stansberry
2410 McCammon Road
Knoxville, TN? 37920

From: "J.W. Stiles" <jws1011@yahoo.com>
To: <mark.donaldson@knoxmpc.org>
Date: 8/11/2008 11:55:52 AM
Subject: Item 65 on agenda for MPC meeting Thur., 8/14/08

Dear Mr. Donaldson,

As a lifelong resident of South Knoxville and witness to several bad rezoning proposals and implementations, I urge MPC to deny the application of Victor Jernigan - - Item 65 on this Thursday's agenda.

Mr. Jernigan is attempting to use a relatively good concept, TDR, to bad end. His application's sole purpose is to circumvent zoning ordinances and increase density. He has already been denied once without TDR.

In the interest of the South Knoxville community he should be denied again.

I implore you and your fellow MPC members to not let Victor Jernigan circumvent the law and the South Knox Sector Plan. Deny the Item 65 Application.

Sincerely,

Jack Stiles
7308 Martin Mill Pike
Knoxville 37920

CC: <carsondaily@hotmail.com>