

The Norwood Homeowners Association
Lynn Redmon, President
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Knoxville, TN 37912
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Thursday, March 13, 2008

RE: We urge MPC Commissioners to vote no on the following two agenda items.

Agenda item 6. METROPOLITAN PLANNING COMMISSION 2-A-08-OA
Amendments to the Knoxville-Knox County Minimum Subdivision Regulations revising language dealing with appeals of concept plans and subdivision plats in the City of Knoxville, consistent with state law.

Agenda item 72. Consideration of amendments to MPC's Administrative Rules and Procedures revising language dealing with appeals of actions regarding the Minimum Subdivision Regulations. 2-F-08-OB

To all MPC commissioners:

The two items will make an important change in the way land-use is done in the city of Knoxville. While they are presented as simple housecleaning of language in the Zoning Ordinance, they actually will mark an unfortunate shift of power away from the citizens of Knoxville.

I am familiar with the LHL case and the decision by Knox County Circuit Judge Rosenbalm that would seem to restrict the power of Knoxville City Council to hear appeals of MPC decisions. This decision is cited in the MPC staff recommendation to change the Zoning Ordinance.

However, there is a more important case moving through the court system. A developer requested and was granted permission by MPC to construct a condominium project in the Norwood area. The Norwood Homeowners Association appealed the MPC decision to the Knoxville City Council and council overturned the MPC decision by a vote of 8 to 1.

The developer, Camdun Realty I LLC, and its attorney Arthur Seymour, Jr. then filed suit in Knox County Chancery Court to overturn the decision of City Council. A major part of their argument challenged the right of a MPC appeal to be heard by City Council.

I was in the courtroom when Chancellor Weaver rendered his decision in which the plaintiffs lost on every single point of their brief including their attack on the ability of citizens to appeal MPC decisions to City Council.

Mr. Seymour has since filed an appeal of this decision with the Tennessee Court of Appeals. The outcome of this appeal by the Court of Appeals or the Tennessee Supreme Court will be the controlling decision on the right of appeals of MPC decisions.

Any action to change the appeal process by changing the Zoning Ordinance is premature until the higher courts render a final decision.

We ask you to vote no on both these proposed changes.

Sincerely,

A handwritten signature in black ink that reads "Lynn Redmon". The signature is written in a cursive style with a large initial "L".

Lynn Redmon
President, Norwood Homeowners Association