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February 11, 2009

Via email only

To all MPC Commissioners:

Re: Agenda Item 41
Applicant Donald E. Hollifield
File No. 2-A-09-RZ and 2-A-09-SP

Dear Commissioners:

We represent the Applicant and Developer regarding the above rezoning request. The request involves 11 ½ acres on Woods-Smith Road off of Western Avenue. The request is for a change in Sector Plan from Low Density Residential to Medium Density Residential and a change in the zoning to Planned Residential with up to 10 dwelling units per acre permitted.

The developer is Raj Sood who has built the Ridgedale Townhomes immediately to the north of the property under consideration.

We would urge that you amend the Sector Plan and change the zoning in accord with the request.

The existing Sector Plan does not recognize existing development to the north. That property is Zoned at Planned Residential up to 12 units per acre and has been developed with townhomes utilizing approximately 10 units per acre however the Sector Plan still shows it as Low Density Residential. Mr. Sood and his father have developed the Townhomes at this property over a number of years. The topography of that property appears to be no different than on the existing property.

The subject property is within the Urban Growth Boundary of the City of Knoxville which should be developed more intensely where possible than properties in the Planned Growth or Rural Residential areas of Knox County.

The City of Knoxville by a Resolution adopted in December of 2002 expressed concern about urban sprawl in Knoxville and Knox County. A copy of that Resolution is attached. It seems that where property can be developed at a higher density it should be in the Urban Growth rather than spreading subdivisions and apartments into the Planned Growth and Rural Residential areas.

Since this property is in the Urban Growth Boundary of the City of Knoxville, all utilities are available. Admittedly, there is a problem with the intersection of Woods-Smith Road and Barnard Road but engineers think that matter can be easily remedied and the Staff Report acknowledges that there would have to be changes at that location which would be the responsibility of the developer.

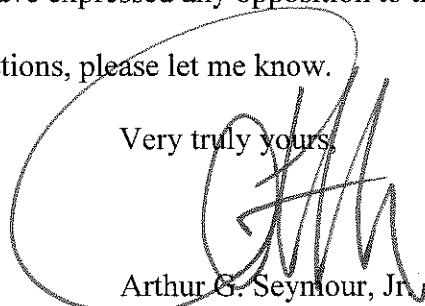
One statement by Staff indicates that if the Sector Plan is amended and the zoning granted in accord with the Applicant's request that there would be numerous other requests for this type of zoning. We must respectfully disagree. The majority of the land around Mr. Hollifield's property has been developed as single family subdivisions and that will probably be the development pattern in the future. However, certainly Medium Density Residential is not inconsistent with Low Density Residential and this is an appropriate place for Medium Density Residential in view of the development to the north of it.

Mr. Sood has submitted a very very rough draft preliminary Concept Plan. If his request is granted, this will have to be refined and at that time it can be decided whether or not development at the requested density is appropriate.

Mr. Hollifield, the owner of the subject property, has talked to all of the surrounding property owners and none have expressed any opposition to this request.

If you have any questions, please let me know.

Very truly yours,



Arthur G. Seymour, Jr.

FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:alh
Enc.

RESOLUTION NO. R-539-02

RESOLUTION

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A RESOLUTION TO EXPRESS CITY COUNCIL'S CONCERN ABOUT URBAN SPRAWL IN KNOXVILLE AND KNOX COUNTY.

RESOLUTION NO: R-539-02
Mayor, Councilmembers Cox,
REQUESTED BY: Frost, Shouse & Hultquist
PREPARED BY: Law
APPROVED AS TO FORM AND
CORRECTNESS: Director of Law

APPROVED: 12-24-02
APPROVED AS
AN EMERGENCY
MEASURE: _____

MINUTE BOOK 66 PAGE _____

WHEREAS, urban sprawl represents a situation which eliminates and/or reduces green space, stretches public services such as law, education, public safety and transportation giving rise to possible increased taxes; and

WHEREAS, urban sprawl undercuts simultaneous efforts to re-invigorate downtown areas and our inner cities; and

WHEREAS, urban sprawl can be harmful to Knox County government by triggering cost increases without adequate planning or consideration to public services.

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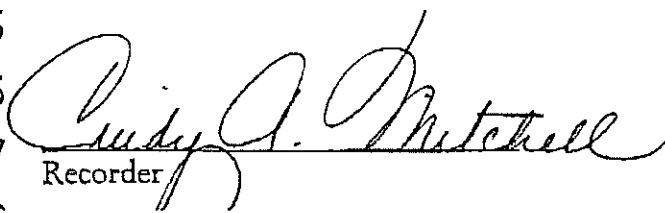
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
KNOXVILLE:

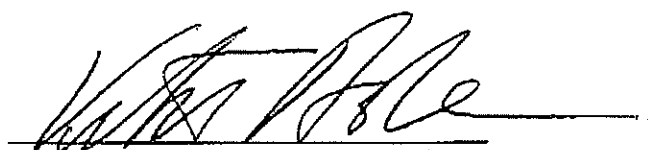
SECTION 1: The City Council has expressed serious concern about the issue of urban sprawl and that governmental entities are urged to review their actions through the prism of whether urban sprawl is being encouraged by their action and, if so, take a second look at pursuing such action and said reviews should occur with schools, transportation, law enforcement and utilities as well as state and federal agencies.

SECTION 2: The City Recorder is directed to forward a copy of this resolution to the KUB Board of Commissioners, the members of the Knox County Development Corporation, the members of the Metropolitan Planning Commission, members of the Knox County Commission, Governor-elect Phil Bredesen, members of the Knox County Legislative Delegation, Congressman John Duncan, Jr., Senator-elect Lamar Alexander, and Senator Bill Frist.

SECTION 3: The KUB Board of Commissioners, the Metropolitan Planning Commission and the Knox County Development Corporation are requested to review this issue and to respond to the Mayor and City Council on what changes in policies or plans they are considering to impact the negative impact of urban sprawl.

SECTION 4: This Resolution shall take effect from and after its passage, the welfare of the City requiring it.


Recorder


Presiding Officer of the Council

From: Mike Brusseau
To: Betty Jo Mahan
Date: 2/12/2009 10:41:22 AM
Subject: Fwd: FW: Woods-Smith Rd/Barnard Rd Intersection

>>> Raj Sood <sood@structuretech.org> 2/12/2009 10:02 AM >>>

Please see below a history of attempts by property owner Don Hollifield to make improvements to the intersection of Woods-Smith Road and Barnard Road in Knox County. This property is on today's MPC agenda as:

Agenda Item 41

Applicant Donald E. Hollifield

File No. 2-A-09-RZ and 2-A-09-SP

Thank you,

Raj Sood
President
Structure Technology, Inc.
2728 Sood Road, Ste 14
Knoxville, TN 37921
O. 865-690-1425
F. 865-690-6114
M. 865-660-1150

From: sood@structuretech.org
To: cindy.pionke@knoxcounty.org
CC: ajseymour@fmsllp.com; a1co@bellsouth.net; bruce.wuethrich@knoxcounty.org
Subject: Woods-Smith Rd/Barnard Rd Intersection
Date: Tue, 10 Feb 2009 23:23:49 +0000

Cindy,

This afternoon, I left a design drawing and a deed with your office receptionist.

The drawing, dated 2/27/1982, by N.S. Dougherty, P.E. is for alignment and grade improvements to the subject intersection. The Warranty Deed, dated 3/16/1982, is to convey land from Hazel Hollifield to Knox County needed for the alignment.

In 1982, the Hollifield family paid for the engineering services and deeded land to Knox County to make improvements to this intersection. They did so in good faith as they were promised by County Commission that the improvements would be funded and completed in a timely manner. 27 years later, the Hollifield family is still waiting for the construction of the intersection improvements to commence.

The Hollifield land is scheduled for a rezoning request for PR at 10 du/acre with MPC on Thursday. The rezoning request file number is 2-A-09-R2. The applicant name is Donald Hollifield.

Now that you have the history of this subject intersection, along with a design drawing and the necessary right-of-way deed, can you include this project in your next fiscal year budget for funding and construction?

Raj Sood
President
Structure Technology, Inc.
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Knoxville, TN 37921
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