

**From:** "HOME OFFICE EMAIL" <jbarlow@utk.edu>  
**To:** <mark.donaldson@knoxmpc.org>  
**Date:** 5/11/2009 10:19:07 AM  
**Subject:** 5-B-09-SP

1005 Tarwater Road

Knoxville, Tennessee 37920

South County Sector Plan Amendment 5-B-09-SP

Dear Metropolitan Planning Commissioners,

At a recent meeting (Thursday May 7, 2009) at South Doyle High School the developers representing Well Creek LLC outlined a plan for building condominiums on the 23 acres mentioned in this request for re-zoning. Yet in this agenda item #57 it becomes clear that the "proposed use" is "apartments." Clearly this request [] DOES NOT fit with what we were told on at the meeting on Thursday. If you approve 5-B-09-SP Well Creek LLC can proceed to build apartments - as they have wished to build for the last two years.

Following this request, Item #57 [4-E-09-UR] notes, "If the sector plan amendment and zoning change are approved, some of the specifics of this use-on-review application will change." This item was postponed until July 9. If 5-B-09-SP is approved there will be no need for 4-E-09-UR to remain as a plan for condos - MPC will have already approved "apartments." Then little that can be done to halt the building of apartments on this site.

I urge you to vote NO to South County Sector Plan Amendment 5-B-09-SP and NO to any changes in zoning for the Wells Creek development. Please retain the sector designation as Low Density Residential. This is in keeping with the established long-term sector plan for South Knox County. It will also match the input from a large numbers of residents that have written and attended MPC meetings for two years. Five condo units per acre will work fine for this area - apartments will not.

Jack M. Barlow

**From:** Diane Humphreys-Barlow <humphreysbarlow@gmail.com>  
**To:** <tbenefield@benefieldrichters.com>, <anders@holstongases.com>, <ubailey@esper.com>, <bartcarey@comcast.net>, <artclancy3@gmail.com>, "Cole, Laura" <cole5137@bellsouth.net>, rachel craig <rlcraig@usit.net>, <gewart@georgeewart.com>, <grafhomes@aol.com>, <s.johnson692@gmail.com>, <makane1@bellsouth.net>, <rebeccalongmire@hotmail.com>, <wstowers@stowerscat.com>, <mark.donaldson@knoxmpc.org>, Mike Carberry <mike.carberry@knoxmpc.org>  
**Date:** 5/11/2009 11:43:36 AM  
**Subject:** Wells Creek and Benchmark

Dear Commissioners:

Last Thursday, May 7, Victor Jernigan, held a one man panel to "educate" South Knoxville about "Density of Housing (Wells Creek & Similar Projects), South Knoxville Waterfront, Transportation, Hillside Protection, The Future of Residential Development," as his flyer announced. He had done his homework, that is, projections of future population influx, and promoted his proposed development at Wells Creek as the best solution for all. He seemed impatient with the community's resistance to his request to expand and increase the density of his development, almost as if we do not know what is good for us.

In the Knoxville News Sentinel that same day was an article headlined, "MPC to discuss sustainable growth." The article states, "The focus of the group...is to promote three types of development it considers to be sustainable--development that results in less commuting, that preserves natural terrain and waterways, and that makes use of infill and redevelopment sites." MPC suggested "intensity bonuses" for development for "qualified sites."

Mr. Jernigan gave the impression that he is committed to the above mentioned sustainable development and that his development would counter sprawl. I would argue that except for increasing density and "preserving the natural terrain and waterways," his proposal achieves neither of the other two mentioned. He suggested that the South Knoxville community does not understand the importance of density with the added slight threat that if we stood in the way of his development, we would be subject to unsightly, individual businesses and dwellings that are not regulated by MPC, or, "eeh gads," a Habitat-like development!

However, as he has repeatedly stated, his proposed development is on one of the last pieces of flat land in the county. What he does not acknowledge is that it is in the midst of a several mile long stretch of rural, undeveloped land. Across the street is a highly developed subdivision, Wildwood Estates, some of it poorly zoned due to the percentage of slopes, but the south side is rural farm land. His requested increase of density to 140 units would be the next lynch pin in objectionable sprawl he is claiming to counter and will lead the charge for more sector plan amendments and

rezoning and more dense development along this scenic highway which is supposed to be and designed to be a throughway in South Knox County.

I serve on the Ridgetop and Slope Protection Task Force with Mr. Jernigan and support the increased density in exchange for leaving slopes protected and leaving more open spaces. In this case there are no slopes and the density he is requesting is in the middle of wide open spaces of undeveloped land. If he wants to hold himself as a model of sustainable development, he should consider proposing a development along Chapman Highway where there are many vacant strip shopping centers as well as regular public transportation.

Mr. Jernigan was approved for 5 units per acre in 2006 with no objection from the community. Mr. Jernigan has been very creative in his efforts to get the increased density he wants, presumably to make the profit he wants, but offering all the popular conservation language that is a bit misleading.

I urge the MPC to deny his request for the sector plan amendment and deny his request for rezoning.

Sincerely,

Diane Humphreys-Barlow

**CC:** "DeFreese, Victoria" <victorialynndefreese@hotmail.com>, "Dailey, Carson" <carsondailey@hotmail.com>

**From:** "Clara Hagaman" <cless@comcast.net>  
**To:** <mark.donaldson@knoxmpc.org>  
**Date:** 5/13/2009 11:42:34 PM  
**Subject:** 56.WELLS CREEK, LLC

TO ALL MEMBERS ON THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING  
COMMISSION

PLEASE VOTE NO TO THE WELLS CREEK REZONING FROM LDR TO MDR, a. South County  
Sector Plan Amendment 5-B-09-SP and b. Rezoning 5-E-09-RZ

We do not want or need this in our community. I live on Tipton Station Road just past  
Winkle Lane. This developer has not told the truth on all of his DEALS. If voted on, it will  
depreciate our property and cause more crimes, etc. in neighborhood, need more schools, etc.  
So it is in your hands as MPC to help regulate our government and neighborhood of DOING THE  
RIGHT THING. SO PLEASE VOTE NO.

I am 84 years old and handicapped and unable to come to meeting SO PLEASE VOTE NO.  
Clara Hagaman

**From:** CARSON DAILEY <carsondailey@hotmail.com>  
**To:** <tbenefield@benefieldrichters.com>, <wstowers@stowerscat.com>, <grafhomes@aol.com>, <cole5137@bellsouth.net>, <buz.johnson@knoxmpc.org>, <s.johnson692@gmail.com>, <gewart@georgeewart.com>, <rebeccalongmire@hotmail.com>, <bartcarey@comcast.net>, <mark.donaldson@knoxmpc.org>, <makane1@bellsouth.net>, <anders@holstongases.com>, <rlcraig@usit.net>, <ubailey@esper.com>, <artclancy3@gmail.com>  
**Date:** 5/7/2009 7:32:02 AM  
**Subject:** WELLS CREEK, LLC 5-B-09-SP BENCHMARK ASSOCIATES, INC. 4-E-09-UR

Commissioners,

This email concerns the following agenda items for 5/14/2009. WELLS CREEK, LLC 5-B-09-SP BENCHMARK ASSOCIATES, INC. 4-E-09-UR.

Wells Creek is in the guide lines that the community set forth with MPC on zoning and density. A South Sector change to MDR up to 14 units per acre is not in agreement with the sector plan approved by MPC and county commission.

This request for a sector plan change will be the third attempt by Mr. Jernigan to change the sector plan. MPC commission has passed Mr. Jernigan's request with a close vote on both occasions. Knox County Commission over whelming denied the sector plan change on both request's 9-2 and 14-4.

Nothing has changed in the sector plan to warrant changing from ldr that is surrounded by ag and ra. All surrounding properties are with in plan and the new high density development will be out of character to the neighborhood.

In attendance of the MPC meeting last month commission denied Mr. Jernigan a sector plan change on the Easterday Estate. Reason being out of character with the neighborhood. This coincides with the Wells Creek property also.

Mr. Jernigan will bring forth his Big House Concept as being with in the South Sector Plan. I agree with zoning of ldr up to 5 du per acre. This will be in line with the sector plan and controlled development along a arterial Gov. John Sevier Highway that was designed to flow

traffic with limited access and stop lights.

Please vote to deny a South Sector Plan change from ldr to mdr.

I currently serve on Knox County Board of Zoning Appeals and will follow the guide lines set forth by Knox County and MPC.

Thank you.

Carson Dailey

577-6318 Home

660-0019 Cell

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May 6, 2009

Dear Metropolitan Planning Commissioners,

Last evening, the South Doyle Area Home Owners, once again unanimously opposed the Sector Plan Amendment and the use on review for an increased density for Wells Creek.

We have been advocates of desirable and smart growth in our community.

In 2002, in excess of 300 citizens of our community participated with the MPC and County Commission to develop a sector plan for growth and development of our community. This is a plan that we are strongly committed. This plan is well organized and prepared with the help of our citizens as well as elected and appointed officials of Knox County with the best interest of the people and properties at its foundation.

The proposal for the rezoning of the Wells Creek development is in direct conflict with the above mentioned Sector Plan for South Knoxville approved and presented to MPC on January 10, 2002. This plan is not in the best interest of the citizens and properties of South Knoxville.

Please look at the sequence of events for "Wells Creek":

? / ? /2005	Rezoning	17 ac. @ 5 du/ac	85 units	Condos	Approved
w/ no opposition					

10/12/2006	Concept Plan	16.418 ac. @ 4.99 du/ac	82 units	Condos	
Approved w/ no opposition subject to 11 conditions					

#### CHANGE OF PLANS

10/11/2007	Rezoning (Sector Plan Change)	17 ac. @ 12 du/ac	204 units	Apartments	
Approved by MPC w/ opposition/Denied by Co. Comm. on Appeal					

12/13/2007	Rezoning(ADD)	4.39 ac. @ 12 du/ac	256 units	Apartments	
Approved by MPC w/ no oppositon / No go after Co. Comm. Denied					

8/14/2008	Rezoning (Claiming adjoining property rights)	29 ac. @ 5 du/ac	145 units	Condos	
Denied by MPC w/ opposition					

4/9/2009	Use on Review (How - under PR @ up to 5 du/ac ?)	29 ac. @ 6 du/ac	165 units	Condos(?)	
Pending w/ opposition					

Now: May 14, 2009 on the agenda at MPC.....We are here again.....

**5/14/2009 Rezoning and Plan Amendment/Rezoning South County Sector Plan Amendment 5-B-09-SP** From LDR (Low Density Residential) to MDR (Medium Density Residential).

**b. Rezoning 5-E-09-RZ**From PR (Planned Residential) @ up to 5 du/ac to PR (Planned Residential) @ up to 9 du/ac.

**57. BENCHMARK ASSOCIATES, INC. 4-E-09-UR**

South side of W. Governor John Sevier Hwy, north side of Tipton Station Rd., east side of Winkle Ln. Proposed use: 140 unit residential development in PR (Planned Residential) District. Comm District 9.

Allowing a sector plan amendment for this property would result in "spot rezoning" and violate the 20 year sector plan. Allowing these changes would result in a departure from the established long-term plan for South Knox County and the John Sevier "Scenic Highway" designation.

The local schools would find it difficult to handle the "expected students" generated from this development. You should certainly ask the principal of Bonny Kate if that is true. She has difficulty in placing the children who are currently enrolled.

The introduction of further commercial elements to service those living in the proposed 140 unit development would result in absolute deviation of our sector plan! The plan foresees a commercial sector on the terrain comprising of 1-2 acres, and possibly accommodating a bank and or a convenience store/gas station.

There would be a guaranteed increase in every type of statistical criminal activity in our area with this proposed 140 unit residential development.

This site which Victor Jernigan boasted would be a "first demonstration site for TDEC and Knox County to showcase the benefits of Low Impact Development" has suffered neglect, as the investors have tried to siege plans that would wager larger profit margins. The retention ponds and silt fences have been neglected since they were installed for the initial unopposed project in 2005. Now, 4 years later, our community has a suffered from Wells Creek by environmental standards.

Please operate within the guidelines of our Sector Plan. We do hope that Wells Creek Development & Benchmark Associates will continue their plans for innovative designs and concepts, but within the confines of our adopted Sector Plan. I urge you to vote "No" on item **#56. WELLS CREEK, LLC a & b and "No" on item #57. BENCHMARK ASSOCIATES, INC.**

MPC knows that the burden of proof that you must carry to allow a sector plan change to allow Medium Residential with a density that would earn the developer a commercial component would be incompatible in density, scale, and building appearance on our scenic highway. This abrupt change does not coincide with any changes of conditions warranting an amendment to the Land Use Plan as stated on your website:

"Usually, conditions that have changed sufficiently to warrant a rezoning contrary to the plan's recommendation should result in an amendment to the land use map. Administrative procedures are in place to allow the Planning Commission to recommend minor plan amendments accompanied by rezoning applications. The Planning Commission reserves the



authority to recommend land use plan changes based on substantially changed conditions.

Substantially changed conditions include:

- Introduction of significant new roads or utilities that were not anticipated in the plan and make development more feasible.
- An obvious and significant error or omission in the plan.
- Changes in government policy, such as a decision to concentrate development in certain areas.
- Trends in development, population, or traffic that warrant reconsideration of the original plan proposal.”

Furthermore, a vote to amend the sector plan, would be a clear violation of the long-term plan as stated in the South County Sector Plan, Special Opportunity Area~ Governor John Sevier Highway Scenic Corridor (this is from MPC website):



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een Asheville Highway and Alcoa Highway. Though most of this highway is rural and scenic, only the section from Chapman Highway to Alcoa Highway is a state designated scenic highway. Preservation of the scenic designated road section mandates that development along the edges of the corridor be severely limited to include increased building setbacks, reduced signage, and limitations of the intensity of development located along the road. The purpose of this proposal is to encourage greater protection of this scenic highway.

#### **Objectives**

- Protect and enhance the scenic character

**Short Term Actions (5 Years)**

- Develop a tree-planting program  
*Responsible Agencies: Knox County Commission and Knoxville City Council*
- Promote the Adopt-a-Road campaign  
*Responsible Agencies: TPO, MPC, Knox County Commission, Knoxville City Council, and TDOT*

**Long Term Action (15 Years)**

- Petition the state of Tennessee to further restrict development along the corridor by increasing the level of scenic protection to a federal level (from Scenic Highway to Scenic Byway).  
*Responsible Agencies: MPC, Knox County Commission, Knoxville City Council, State of Tennessee*

After reading comments about the lawsuit filed in Knox County Chancery Court against the Knox County Commission and the Metropolitan Planning Commission on behalf of several community residents who contest the rezoning at Midway Road, it seems that the crux of their argument was over not honoring the sector plan. The citizen's attorney said that the sector plan was a legally binding document mandated by the State of Tennessee that is designed to guide development of the area for fifteen years. The attorney, Buuk, stated, "This document was hammered out after hundreds of hours of meetings with many different groups, and it requires a substantial change in the property in order to amend the plan and rezone."

I personally plead with you to vote NO on the amendment to the South Knox County Sector Plan and vote NO to any change in zonings for the Wells Creek/Benchmark Development.

Most Sincerely,

Victoria DeFreese  
President of the South Doyle Area Homeowners Association  
2921 Tipton Station Road  
Knoxville, TN 37920  
(865) 577-7045

**From:** <lbme3555@comcast.net>  
**To:** <mark.donaldson@knoxmpc.org>  
**Date:** 5/7/2009 10:57:48 AM  
**Subject:** Wells Creek/All commissioners

I attended a South Doyle Homeowners meeting and the group opposed the Sector plan and density.  
Lucy Ellis

**From:** jay hallums <jyhllms@yahoo.com>  
**To:** <mark.donaldson@knoxmpc.org>, <ubailey@esper.com>, <anders@holstongases.com>, <bartcarey@comcast.net>, <tbenefield@benefieldrichters.com>, <cole5137@bellsouth.net>, <gewart@georgeewart.com>, <rlcraig@usit.net>, <grafhomes@aol.com>, <rebeccalongmire@hotmail.com>, <makane1@bellsouth.net>, <wstowers@stowerscat.com>  
**Date:** 5/9/2009 10:40:07 PM  
**Subject:** please forward this email to all commissioners: 5-B-09-SP & 5-E-09-E2

Dear MPC commissioners,

I am writing to you in regards to rezoning and plan amendment issues 5-B-09-SP & 5-E-09-E2 associated with the WELLS CREEK LLC property located on John Sevier Hwy. I have lived in this Knox county community for over 17 years and do so because of the surrounding area. It is not commercialized, yet I am close to all the amenities I need.

As I understand it, the Wells Creek development was originally approved to build 5 units per acre. This was something the community could live with because of Wells Creek adherence to the Sector Plan. The Sector Plan continues to do its' job to minimize encroachment and over development.

It has been duly recorded that our community is opposed to the tactics the Wells Creek developers have pursued in calculated maneuvers away from an originally approved construction plan. The historical voting record of commissioners on this issue proves they are committed to understanding the voice of the community.

I respectfully request that the commissioners vote against 5-B-09-SP (amending the Sector Plan) and vote against 5-E-09-R2 (rezoning proposal of @ up to 5du/ac to @ up to 9 du/ac)

Thank you for taking the time to hear the voice of a registered voter.

Regards,  
Jay Hallums

**CC:** <jyhllms@yahoo.com>

**From:** <PHazel2500@aol.com>  
**To:** <mark.donaldson@knoxmpc.org>, <ubailey@esper.com>, <bartcarey@comcast.net>, <arclancy3@gmail.com>, <gewart@georgeewart.com>, <GrafHomes@aol.com>, <makane1@bellsouth.net>, <anders@holstongases.com>, <tbenefield@benefieldrichters.com>, <cole5137@bellsouth.net>, <rlcraig@usit.net>, <s.johnson692@gmail.com>, <rebeccalongmire@hotmail.com>, <wstowers@stowerscat.com>  
**Date:** 5/7/2009 3:46:18 PM  
**Subject:** South County Sector Plan Amendment 5-B-09-SP, Rezoning 5-E-09-RZ

Dear Metropolitan Planning Commissioners,

My mother and I have lived in Graybrook Park just off Gov. John Sevier Highway for three years. During that time, we have seen a noticeable increase in traffic on John Sevier Highway and anticipate even more traffic volume as the South Grove shopping center adds more stores and other businesses.

I urge you to vote NO to South County Sector Plan Amendment 5-B-09-SP and NO to any changes in zoning for the Wells Creek development. Please retain this sector designation as Low Density Residential in order to honor the established long-term plan for South Knox County and the John Sevier Highway designation as a scenic highway.

Thank you.

Patricia Hazelwood  
1416 Graybrook Lane  
Knoxville, TN 37920  
865-573-0030

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**From:** Ernie Jones <ez\_ernie@yahoo.com>  
**To:** <mark.donaldson@knoxmpc.org>  
**Date:** 5/5/2009 10:01:18 PM  
**Subject:** Fw: To:All County Commissioners

Elected Commissioners

We oppose the item 56 Well Creek LLC rezoning to changing the south county sector plan from low density residential to medium density residential please vote to leave this at the 5 du/ac.

Thanks

Ernie and Pat Jones

Members of South Doyle Area Home Owners Association

**From:** "Betty McCammon" <bbmccammon@comcast.net>  
**To:** <mark.donaldson@knoxmpc.org>  
**Date:** 5/7/2009 9:19:33 AM  
**Subject:** wells creek secton/info to all commissioners

Mr. Donaldson, We attended the South Doyle Area Homeowners Assoc meeting May 5 and the item 56 Wells Creek, LLC and item 57 Benchmark Associated, Inc.4-E-09-R scheduled on the May 14, 2009 Metropolitan Planning Commissions's agenda. This was a portion of the SDAHA business and the group voted "opposed to both sector plan amendment 5-B-09-SP and the density LDR to MDR. We appreciate your sharing our views with the other commissioners and thank you in advance. Our residence is 1220 Tipton Station Road and the property in question is located across Tipton Station and north east.

Ben and Betty McCammon



**From:** <Lezlie\_Raney@teamhealth.com>  
**To:** <mark.donaldson@knoxmpc.org>  
**Date:** 5/7/2009 9:44:49 AM  
**Subject:** Please Deny the Requested Zoning Change for the Wells Creek Development

All Commissioners: I would like to request you deny the requested zoning change for the Wells Creek development at Governor John Sevier Highway and Tipton Station Road. Per the South Sector Plan which is a standing, approved document, the community property owners would like the density to remain at 5 dwelling units per acre. Thank you.

Lezlie B. Raney  
2504 Boys Run Way  
Knoxville, TN 37920  
865-577-6281

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**From:** <amskad@netscape.net>  
**To:** <mark.donaldson@knoxmpc.org>  
**Date:** 5/8/2009 1:02:36 PM  
**Subject:** Wells Creek/ South Sector Plan

To the Metropolitan Planning Commission:

I am writing to ask that you deny the south sector plan change as proposed by the developer of Wells Creek.

The south sector plan is a well thought out plan that has been working well for years. Please leave density at 5 units per acre.

Thank you for your time.

Andy Skadberg  
8256 Martin Mill Pike  
Knoxville, TN 37920

**From:** <PAStarr62@aol.com>  
**To:** <mark.donaldson@knoxmpc.org>  
**Date:** 5/6/2009 10:01:06 PM  
**Subject:** south sector plan

Mr.Donaldson, I live on W.Gov.John Sevier Hwy.one-half mile from the proposed Wells Creek project. I am opposed to any changes to the south sector plan and any changes from LDR To MDR.Please consider the wishes of the homeowners in this area when voting.

Patricia Starritt

\*\*\*\*\*

Remember Mom this Mother's Day! Find a florist near you now. (<http://yellowpages.aol.com/search?query=florist&ncid=emlcntusyelp00000006>)

**From:** Mike Brusseau  
**To:** Betty Jo Mahan  
**Date:** 5/11/2009 9:15:03 AM  
**Subject:** Fwd: PLEASE DENY ZONING CHANGE REQUEST FOR WELLS CREEK

>>> Name <sturdy@bellsouth.net> 5/11/2009 9:16 AM >>>

```
#yiv620784428 .ExternalClass .EC_hmessage P
{padding:0px;}
#yiv620784428 .ExternalClass body.EC_hmessage
{font-size:10pt;font-family:Verdana;}
```

Please see that the Metropolitan Planning Commissioners get the attached letter in their packets for the agenda upcoming May 14, 2009.

--- On Wed, 5/6/09, Name <sturdy@bellsouth.net> wrote:

PLEASE DENY ZONING CHANGE REQUEST FOR WELLS CREEK

I ask you to oppose the proposed zoning changes at Wells Creek (Winkle Road and John Sevier Highway in south Knox County) for the following reasons:

The residents and Knox County Commission had previously approved 82 units for this site. This decision and acceptance by the previous Commission and county residents should be honored. The previous Commissioners listened to and complied with the will of the people and we hope the new Commission will to.

The South Sector Plan calls for upgrading the level of protection for the John Sevier corridor from it's current status of protection as a State Scenic Highway to the level of Federal Scenic Byway. No developments should be approved by MPC or County Commission until this issue is resolved as efforts are currently under way to secure this higher level of protection.

According to TDEC, large amounts of deadly radon gas can be released by large scale development projects. Since radon gas is a carcinogen, and we are in Zone

1 which is highest in potential radon exposure, a full scale health and safety assessment must be conducted prior to the initiation of any new residential or commercial building projects of any significant size. See EPA Map of Radon Zones below. <http://www.epa.gov/radon/zonemap.html>

----- Forwarded Message: -----

From: "TDEC Radon" <[TDEC.Radon@state.tn.us](mailto:TDEC.Radon@state.tn.us)>

To: <[sturdy@bellsouth.net](mailto:sturdy@bellsouth.net)>

Subject: Fwd: Residential and Commercial Development and Radon GasExposure

Date: Mon, 15 Sep 2008 13:34:15 +0000

"It is possible that more radon could be released when large amounts of earth are moved."

Amy Inabinet, Radon Coordinator  
Tennessee Department of Environment and Conservation  
Office of Environmental Assistance - Radon Program

The use of Transfer of Property rights violates the intent of the Knox County South Sector Plan and has never been authorized for use by the plan.

Mr. Jernigan told us we were going to lose our way of life in South Knox County whether we like it or not. He has given different reasons for this development at different times, changed the plan frequently, and therefore cannot be trusted to do right by the residents of our community.

Finally, a project of this magnitude would greatly increase traffic on John Sevier which is a serious problem now as we already have problems getting on the highway to go to work in the morning. Adding an apartment complex of this magnitude means that traffic waiting to access Alcoa Highway in the morning would most likely back up to Weigle's market and beyond, blocking access to this and other retail establishments along John Sevier. Our ability to provide a proper education will be hurt as our schools will be stretched beyond their already over-capacity limitations. Police and fire protection services will also be stretched to the point which will impair their ability to respond to emergencies in a timely manner.

Sincerely,

Jim & Patty Sturdevan  
7524 South Point Road  
Knoxville, Tennessee 37920



**From:** Buz Johnson  
**To:** Betty Jo Mahan; Mark Donaldson  
**Date:** 5/14/2009 10:18:27 AM  
**Subject:** Fwd: submittal for May 14 MPC meeting

>>> "Bob Thompson" <t3andp@bellsouth.net> 5/14/2009 9:58 AM >>>

Buz: as discussed, please provide the following submittal to the MPC commissioners for today's meeting.

Thank you

Robert H. Thompson

May 14, 2009

Submittal to Knox TN Metropolitan Planning Commission

Re: May 14, 2009 MPC meeting agenda item #56; File # 5-E-09-SP; 5-E-09-RZ -

Wells Creek, LLC property, south side of Gov. John Sevier Highway, north of Tipton Station Road, east of Winkle Lane

This is to comment on the "Plan Amendment/Rezoning Report" containing the MPC staff recommendation to amend the south county sector plan by changing the Wells Creek site designation from Low Density Residential (LDR) to Medium Density Residential (MDR).

The staff report mentions three possible justifications for the amendment: logical extension of a development pattern, error or omission in current plan, or changes in conditions. The report does not, however, provide sufficient support for any of these justifications, and completely fails to discuss facts which contradict the justifications.

Logical Extension justification:

The criteria for logical extension changes, as set out in the General Plan 2033, are that the changes

should be consistent with the policies of the plan, should not violate clear physical boundaries intentionally depicted on the plan map, such as a road, a stream, or a ridge line, and should be smaller than the area being extended.

The proposed change is not in fact consistent with the south sector plan. The staff report fails to mention that the Wells Creek property fronts the state-designated scenic highway section of Gov. John Sevier Highway, for which the sector plan "mandates that development along the edges of the corridor be severely limited to include increased building setbacks, reduced signage, and limitations of the intensity of development located along the road. to encourage greater protection of this scenic highway." The plan further calls specifically for preservation of



"the historic area around the home of Governor John Sevier," which lays less than half a mile west of Winkle Lane (the west boundary of part of the Wells Creek property).

The staff report relies on the existence of an MDR tract on the north side of the highway, but does not note that the tract is in fact a relatively small, isolated pocket of MDR area in an overwhelmingly LDR area - with LDR tracts running considerable distance both east and west along the highway. There is no MDR area at all on the Wells Creek side (south) of the highway in the vicinity; the area is a uniformly rural area (for example, there is a horse pasture at the corner of Winkle Lane and Tipton Station Road). Extending the small MDR area from the north would be contrary to the nature of the area and would clearly violate the physical boundary of the highway.

The staff report also fails to address whether the Wells Creek tract is in fact "smaller than the area being extended." If in fact the Wells Creek tract is smaller, it may be smaller by only an insignificant amount, which would still raise issues of proportionality that the General Plan clearly intends to be taken into consideration. The proportionality issue takes on greater importance here since, as noted above, the existing MDR area is a small isolated pocket in an otherwise LDR area. In addition, it should be noted that a large proportion of the MDR area has not in fact been developed and is still zoned agricultural. Further, it should be noted that the Wells Creek developers (having filed a separate use on review application) have clearly had very recent hopes to significantly expand the size of the development from the current 21.93 acres - a fact which is not noted in the staff report.

An extension of the MDR would not be logical.

#### Error or Omission in Current Plan

One sentence of the staff report suggests that LDR designation south of the highway, "while allowing MDR" on the north, is an error or omission. Without more, this fails to even begin to approach the General Plan standard of an "obvious and significant error or omission" in the plan.

#### Changes in Conditions

The staff report seems to rely primarily on the restriping of the highway from two-lane to three-lane, "improving its traffic carrying capacity." The report does not, however, provide any detail or statistics as to the improved capacity, does not mention that the third lane is a turn lane only, does not address whether such restriping was anticipated when the plan was developed, and - significantly -- does not address whether traffic capacity was even a factor in the plan's designation of the area as LDR to begin with (clearly, other factors such as preservation of the area's scenic nature were factors). Without more, the staff report does not show fulfillment of the General Plan standard of "substantially changed conditions" such as "significant new roads. that were not anticipated in the plan and that make development more feasible."

The report also briefly suggests possible changes in government policy and development trends, but such suggestions are not discussed in any meaningful detail and it is unclear whether such changes actually have occurred (and if so whether they are substantial and otherwise meet the General Plan criteria).

#### Conclusion

The proposed amendment does not meet standards for approval.

Thank you

Robert H. Thompson

8136 Jonesboro Road

Knoxville TN 37920

577 1560

May 7<sup>th</sup>, 2009

**Dear Ladies and Gentlemen of the Metropolitan Planning Commission,**

**Please hear the concerns and wishes of the people. We love this area because of its beauty which even you have deemed so through your website, South County Sector Plan, Special Opportunity Area.....Governor John Sevier Highway Scenic Corridor.**

**I am in receipt of Victoria DeFreese's letter to you and, I also, implore you to consider a "NO" vote on the amendment to the South Knox County Sector Plan AND to any change in zonings for the Wells Creek/Benchmark Development. Through people like Victoria, we all become much more informed which makes us feel "the people" DO actually have a voice. You, above all, can understand this because of your convictions to serve the public.**

**Please stay strong in preserving the integrity and beauty of this wonderful area of Knoxville by voting NO!**

**Sincerely,**

*Debby Thurmond*

**Debby Thurmond  
Homeowner  
1538 Graybrook Lane  
Knoxville, Tennessee 37920  
(865)573-1966**

**From:** <altuinman@comcast.net>  
**To:** mark donaldson <mark.donaldson@knoxmpc.org>  
**Date:** 5/6/2009 2:34:49 PM  
**Subject:** Wells Creek Re-zoning

Mr. Mark Donaldson  
Executive Director  
Knox City/County Metropolitan Planning Commission

Dear Mr. Donaldson,

Please circulate this message to all members of the Knoxville-Knox County MPC.

My name is Al Tuinman, and I am a property owner and resident in Wildwood Gardens, a development just north of John Sevier Highway. I am also a member of the South Doyle Area Homeowners Association (SDAHA).

Yesterday evening SDAHA voted unanimously to oppose the requested sector plan amendment and rezoning for the Wells Creek property (Item 56. on your agenda for May 14). I wholeheartedly and enthusiastically support that decision for the following reasons:

1. The existing South County Sector Plan designates this property (and indeed nearly all properties along this section of John Sevier Hwy.) as " Low Density Residential ".
2. That Sector Plan was borne of close co-operation between MPC and local homeowner's organizations, and was designed to allow appropriate development of the corridor while maintaining the aesthetics associated with the "Scenic Highway" designation of JS Hwy.
3. Construction of potentially more than 200 dwelling units on this property (as would be allowed by re-designation to Medium Density Residential ) will not be in keeping with those aesthetics.
4. This is the third attempt within eighteen months to bring about the higher dwelling density.

1. A rezoning request in late 2007 was defeated before Knox County Commission.
2. An attempt during 2008 to increase the density by incorporating "development rights" of adjacent properties not owned by the applicant was defeated.
- 5.

I see no substantive change in underlying facts which would justify raising the dwelling-unit density at this stage, especially when it has already been rejected on two previous occasions.

I therefore urge all MPC members to vote "NO" to the proposed sector plan alteration, and to the requested increase in dwelling-unit density.

Thank you.

Albert Tuinman, PhD

