

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION REZONING REPORT

▶ FILE #: 11-A-09-RZ AGENDA ITEM #: 39

AGENDA DATE: 11/12/2009

► APPLICANT: S & E PROPERTIES

OWNER(S): S & E PROPERTIES LLC

TAX ID NUMBER: 134 H E 012

JURISDICTION: County Commission District 4

LOCATION: Northwest side Dogwood Dr., southwest of Merriwood Dr.

► APPX. SIZE OF TRACT: 11 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Dogwood Dr., a local street with 17' of pavement width within

50' of right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Tennessee River

► PRESENT ZONING: PR (Planned Residential) @ 1-3 du/ac

ZONING REQUESTED: PR (Planned Residential) @ up to 4 du/ac

EXISTING LAND USE: Residential neighborhood

► PROPOSED USE: Residential neighborhood

DENSITY PROPOSED: 4 du/ac

EXTENSION OF ZONE: Yes, adjacent to PR zoning at a density of up to 4 du/ac to the northwest.

HISTORY OF ZONING: MPC approved LDR and PR zoning at the current density on 8/12/2004 (8-A-

04-SP/8-J-04-RZ).

SURROUNDING LAND North: Residential subdivision / RB (General Residential)

USE AND ZONING: South: Dwellings and vacant land / A (Agricultural)

East: Dogwood Dr. - Dwellings / A (Agricultural)

West: Dwellings and vacant land / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with agricultural/rural residential and low density

residential uses under A, RA, RB and PR zoning.

STAFF RECOMMENDATION:

▶ RECOMMEND that County Commission DENY the request for a PR density increase to up to 4 du/ac.

The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan. The property's current density of up to 3 du/ac is the highest density allowable under the applicable policies of the plan regarding rezoning within the Rural Area (see attached page from the Growth Policy Plan.)

COMMENTS:

A sector plan amendment to LDR and a rezoning to PR at the current density of 1-3 du/ac was approved for the subject property in 2004 (8-A-04-SP/8-J-04-RZ). A concept plan/use on review was subsequently approved to allow the property to be subdivided into 22 lots for detached dwellings (9-SF-04-C/9-J-04-UR). In 2008, after the concept plan had expired (2 years from original approval), a new concept plan was approved,

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allowing the same 22 lots (8-SD-08-C). A final plat was also approved later that year officially subdividing the property into the 22 lots (8-SV-08-F). This plat has not been recorded as of the date of this report, so the 22 approved lots do not show up. Currently the property is cleared and graded, the public road is constructed and water and sewer utilities are in place. The property is approved for development. If the number of lots is increased, a new concept plan, use on review and final plat will need to be approved. The current density of 1-3 du/ac would allow consideration of up to 33 lots, which is 11 more than the number of already approved lots.

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

- 1. No significant changes have occurred in the surrounding area that warrant the requested change in zoning.
- 2. This property was rezoned to PR at the current density of 3 du/ac in 2004. That was the maximum allowable density at that time based on the policies of the Growth Policy Plan within the Rural Area. The Growth Policy Plan has not been amended since that time.
- 3. The surrounding area is developed with primarily agricultural and rural to low density residential uses, under A, PR and RB zoning. The current density is more compatible with surrounding development than the requested density.
- 4. The applicant has reasonable use of the property under the current density, which would allow up to 50% more units than what would be permitted under the already approved development plans.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

- 1. PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
- 2. Based on the above description and intent of PR zoning, this property is appropriate for PR zoning, but not at the increased density requested.

THE EFFECTS OF THIS PROPOSAL

- 1. Public water and sewer utilities are available to serve this site.
- 2. If the density is increased to 4 du/ac on the 11 acres reported, up to 44 dwelling units could be proposed for the site. Developed with detached residential units, this would add approximately 113 additional trips to the street system and about 7 additional children to the school system, above what could be generated at the current density.
- 3. Residential development at the current density would be more compatible with surrounding development than the proposed density of up to 4 du/ac.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. The Southwest County Sector Plan proposes low density residential uses for this site, which is consistent with both the existing and proposed densities.
- 2. This site is located within the Rural Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map. It is, however, adjacent to the Urban Growth Area of Knoxville on two sides. Within the Rural Area, even if adjacent to Planned or Urban Growth Areas, development density under PR zoning is limited to no more than 3 du/ac. The proposed density of 4 du/ac is not consistent with the policies of the Growth Policy Plan within the Rural Area.
- 3. Allowing the proposed density increase on the subject property would violate the policies of the Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT 487 (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: 28 (public and private school children, ages 5-18 years)

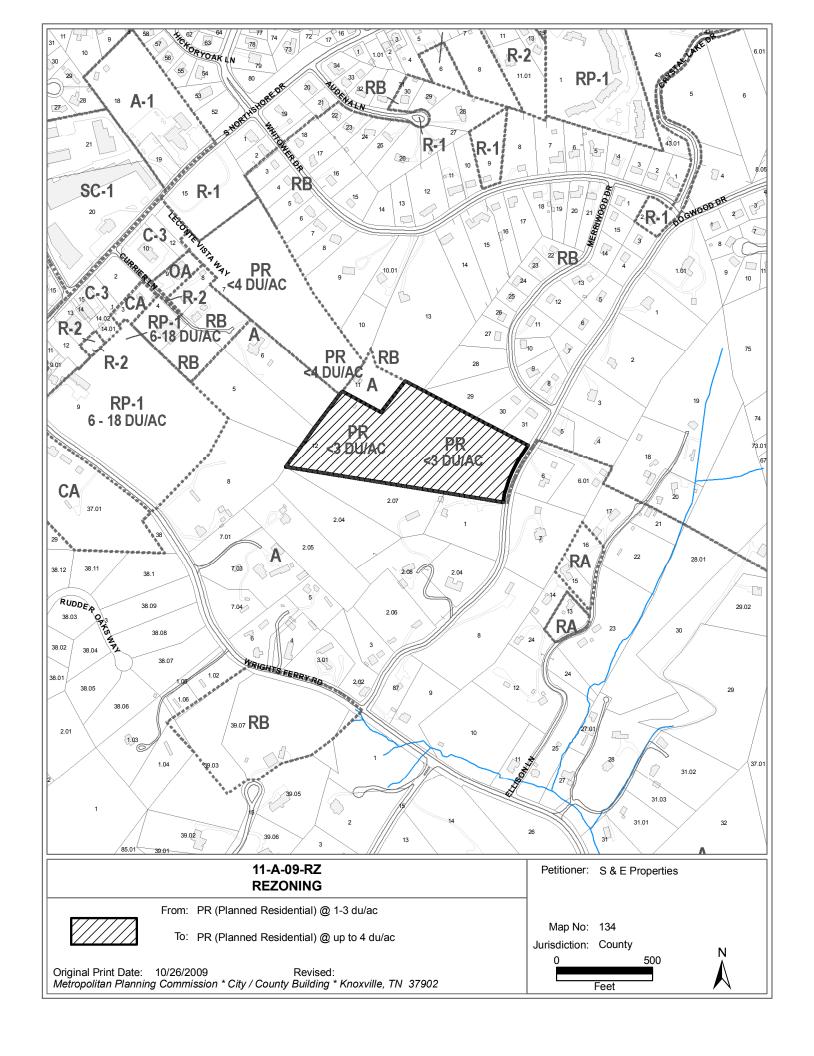
Schools affected by this proposal: Rocky Hill Elementary, Bearden Middle, and West High.

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- 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 12/21/2009. 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.

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11-A-09-RZ

Zoning Ordinance as a "use on review" may be approved by the Planning Commission if they find that the proposed development complies with all applicable standards in ordinance

Rezoning within the Rural Area shall be limited to the following zoning districts: Agricultural (A), Estate (E), Open Space (OS), Floodway (F), Planned Residential (PR at densities up to two (2) dwelling units per acre based on the site's environmental characteristics and Health Department determination of septic system capability (with exceptions noted in #3 3 & #3.5 below), Transition (T), Historic Overlay (H), Planned Commercial (PC), subject to the conditions listed below in #3 4, and Light Industrial (LI) and (I), subject to the conditions listed below in #3.6 By February 1, 2001, MPC shall deliver recommended text of new Planned Business/Industrial Park, Neighborhood Commercial and Rural Community Commercial zoning districts to County Commission for legislative action Upon the enactment of these zoning district regulations, these new zones shall replace the PC, LI and I zones in the preceding list of zones.

3.3 Rezoning on slopes of 25 percent or more shall be limited to the following zoning districts: Open Space (OS), Estate (E) and Planned unit per two or more acres Rezonings on slopes of 15 to 25 percent shall be limited to Space (OS), and Planned Residential (PR) on lots of one (1) or more acres are appropriate

3.4 In rural areas, rezoning to Planned Commercial (PC) shall only be approved for commercial uses or services needed to serve rural area residents, such as food markets, convenience stores, gasoline service stations and professional or business offices. A site plan shall be reviewed and approved by the Metropolitan

Planning Commission concurrently with any rezoning to Planned Commercial in the Rural Area Such commercial facilities and rezoning shall be consistent with the Sector Plans adopted by the planning commission.

Extensions of low density residential development (densities of 1 to 3 dwelling units per acre) into the rural area shall be limited to the following conditions: (a) the property must be zoned Planned Residential (PR); (b) provision of sanitary sewer and public water services; (c) connecting collector and arterial roads from the proposed development to the Urban Growth Boundary or Planned Growth Area which meet the standards of the Knox County Engineering and Public Works Department or its successor; and (d) a traffic impact analysis demonstrating to the satisfaction of the planning commission that the effect of the proposed and similar developments in the traffic analysis zone will not unreasonably impair traffic flow along the arterial roads through the adjacent Planned Growth Area. The intent of this section is to allow extensions of low density residential development into rural areas when urban services (sanitary sewer, water, and adequate roads) become available These areas should be reclassified "Planned Growth" when the growth plan is periodically revised and amended 3.6 Land within the Rural area may be rezoned for business parks or industries only under the

> a) The rezoning is consistent with the applicable Sector Plan The Sector Plan may be amended upon recommendation of the Metropolitan Planning Commission in accordance with provisions of state law regarding adoption and amendment of regional plans

following conditions:

b.) Wetlands, floodways, streams, or hillside lands with pre-development slopes of 16 % or greater, as defined in Section 82-30 of the Knoxville-Knox County Subdivision



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Previously Approved Concept Plan



KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION SUBDIVISION REPORT - CONCEPT

FILE #: 8-SD-08-C AGENDA ITEM #: 15

> AGENDA DATE: 8/14/2008

SUBDIVISION: DOGWOOD COVE

APPLICANT/DEVELOPER: **S & E PROPERTIES**

OWNER(S): S & E Properties

TAX IDENTIFICATION: 134 H E 012

JURISDICTION: County Commission District 4

LOCATION: Northwest side of Dogwood Dr., northeast of Wrights Ferry Rd.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Rural Area

WATERSHED: Tennessee River

APPROXIMATE ACREAGE: 10.66 acres

ZONING: PR (Planned Residential)

EXISTING LAND USE: Vacant land

PROPOSED USE: **Detached residential subdivision**

SURROUNDING LAND North: Residences / RB (General Residential)

USE AND ZONING: South: Residences / A (Agricultural)

East: Residences / A (Agricultural)

West: Vacant land and residences / A (Agricultural)

NUMBER OF LOTS: 22

SURVEYOR/ENGINEER: Tennessee Valley Surveying, Inc.

ACCESSIBILITY: Access is via Dogwood Dr., a local street with up to a 17' pavement width

within a 50' right-of-way.

SUBDIVISION VARIANCES

REQUIRED:

 Vertical curve variance on Road A at station 3+07, from 545.25' to 400'.

2. Horizontal curve variance on Road A at STA 1+07.42 - 2+05.97, from

250' to 200'.

3. Horizontal curve variance on Road A at STA 2+49.86 - 5+54.17, from

250' to 200'.

4. Horizontal curve variance on Road A at STA 5+91.67 - 7+83.71, from

250' to 200'.

5. Reverse curve tangent variance on Road A from STA 2+05.97 -

2+49.86, from 50' to 43.89'.

6. Reverse curve tangent variance on Road A from STA 5+54.17 -

5+91.67, from 50' to 37.62'.

Maximum street grade variance on Road A, from STA 5+07 - 8+19,

from 12% to 14%.

STAFF RECOMMENDATION:

APPROVE variances 1 - 7 because the site's topography restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

MPC November <u>Agenda</u> 8/6/2008 11:58 AM TOM BRECHK AĞENDA ITEM #: 15

Previously Approved Concept Plan

APPROVE the Concept Plan for a 22 lot subdivision subject to 9 conditions:

- 1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
- 2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
- 3. Identifying the minimum floor elevations (Me's) for Lots 2, 3, and 19 22 on the final plat.
- 4. Widening Dogwood Dr., from the entrance of the proposed subdivision to Widower Dr. to a width and standard acceptable to the Knox County Department of Engineering and Public Works. The developer shall be responsible for the costs associated with this improvement. Prior to final plat approval, the widening plan and timing sequence for the improvements must be approved by the Knox County Department of Engineering and Public Works staff.
- 5. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- 6. Placing a note on the final plat that all lots will have access only to the internal street system.
- 7. Including the line of sight easement across Lots 19 and 20 on the final plat in order to provide the needed sight distance for the curve in Road A.
- 8. Revising the concept plan to reflect the variances listed in this staff report.
- 9. Meeting all applicable requirements of the Knox County Zoning Ordinance.

COMMENTS:

The applicant is proposing to develop a 22 lot detached single-family subdivision on a 10.66 acre tract at a density of 2.06 du/ac. Access to this property is via Dogwood Dr. a local street. The Planning Commission had approved a concept plan for this subdivision on October 14, 2004 (9-SF-04-C/9-J-04-UR - The Ridge at Westmoreland). While the applicant has almost completed construction of the infrastructure for the subdivision, the concept plan approval for the subdivision expired (two year initial life) before a final plat was submitted for approval. The applicant is now requesting approval of the same subdivision layout with some minor changes in the required variances and proposed drainage system.

The applicant had submitted a letter to staff, at the time the rezoning request was before the Planning Commission, regarding their agreement to widen Dogwood Dr., from the entrance of the proposed subdivision to Whitower Dr. to a width and standard acceptable to the Knox County Department of Engineering and Public Works. That commitment is addressed in condition #4 of staff's recommendation. The developer shall be responsible for the costs associated with this improvement. During the design plan stage of the subdivision, the Knox County Department of Engineering and Public Works staff had received some documentation from the applicant on the proposed widening plan for Dogwood Dr., however a widening plan had not been approved. Prior to final plat approval, the widening plan and timing sequence for the improvements must be approved by the Knox County Department of Engineering and Public Works staff. The 3% intersection grade has been approved by Knox County Engineering.

ESTIMATED TRAFFIC IMPACT 257 (average daily vehicle trips)

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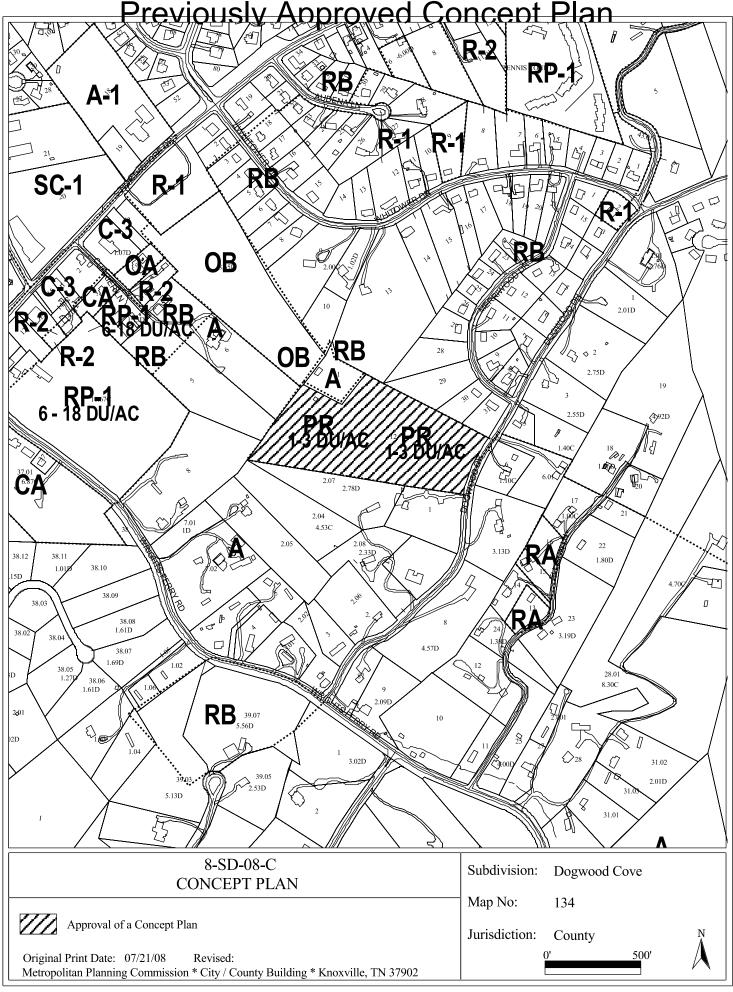
ESTIMATED STUDENT YIELD: 14 (public and private school children, ages 5-18 years)

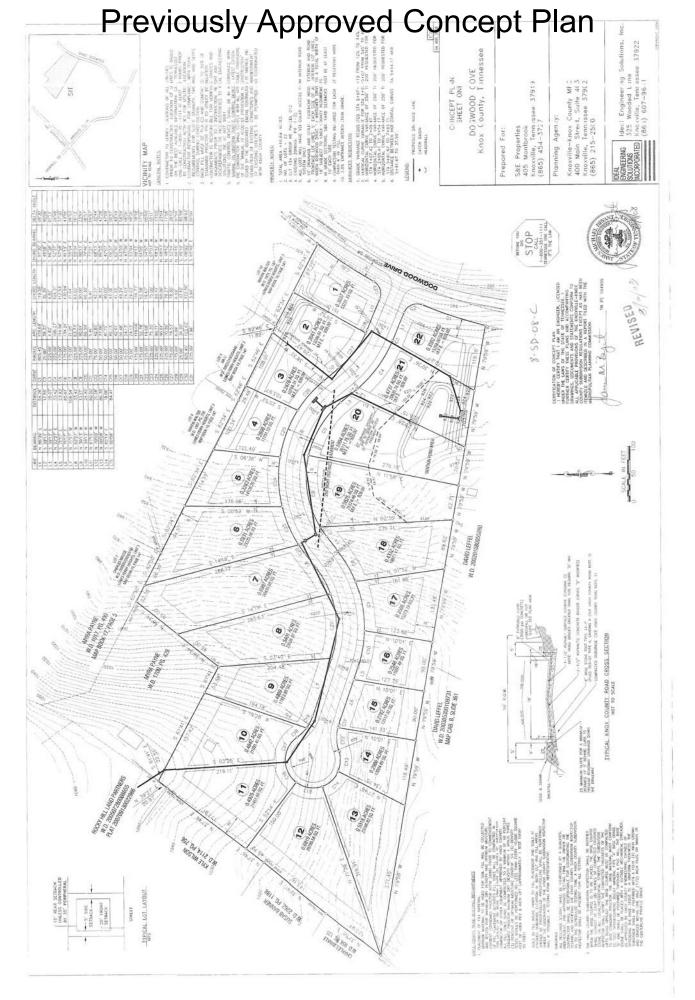
Schools affected by this proposal: Rocky Hill Elementary, Bearden Middle, and Bearden High.

Previously Approved Concept Plan

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- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

MPC's approval or denial of this request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court appeal hearing will depend on when the appeal application is filed.





Date: 11/4/2009 11:31:05 AM

Subject: Fwd: Rezoning Dogwood Drive from PR3 - PR4, Nov. 12, 2009

Re: Item #39, 11-A-09-RZ, S & E Properties

>>> Deb Prosise <dewdrop88@comcast.net> 11/3/2009 5:35 PM >>>

Mr. Brusseau,

I am flustered by the fact that someone wants to rezone this area. Whose idea was this? First I'd like to ask if yourself or anyone on the rezoning committee has ever driven down Dogwood Dr.? If so, they would realize this street cannot support additional traffic. My son's friend and his father were on there way to my home across the street from the property in question and were in a head on collision. Several months after that my son and his father were broadsided on Dogwood Drive. If this property is rezoned to accommodate 44 new homes in this area, the potential for more accidents, most likely fatal, will increase significantly.

I personally reside across the street from the area requesting rezoning from PR3 - PR4 between the Leffel's property and Merriwood on the south side of Dogwood Drive. I enjoy my seclusion away from traffic and noise and enjoy the wildlife that roams my property. If the proposed new homes are indeed built, there is no doubt this will also result in an increase of wildlife fatalities.

The development of these new homes will also devalue my property and everyone's property in the neighborhood, not to mention the noise, pollution and debris.

Please take into consideration some areas simply need to be preserved. The peacefulness, nature and beauty of East Tennessee need to prevail.

Sincerely, Debra Prosise 7306 Dogwood Drive Knoxville, TN 37919

Date: 11/3/2009 11:49:49 AM

Subject: Fwd: Rezoning Request-Nov 12th 2009

Re: Item #39, 11-A-09-RZ, S & E Properties

>>> Charles Garvey <cjgarvey3@comcast.net> 11/3/2009 11:28 AM >>> Dear Commission Members,

I am e-mailing you to protest the upcoming rezoning from PR3 to PR4 on a site on Dogwood Drive in West Knoxville in the Rocky Hill area. The site in question has a plan approved that already is not compatible with the immediately surrounding area, and any further density increase is unacceptable. Many of us in this area have several acres per dwelling and appreciate the privacy and quiet that the low density our area had provided. We evidently missed protesting the currently approved plan when it was rezoned, and don't plan to miss this one. Michael Brusseau is familiar with this project if you need specific developer names and the address of this project.

Please recommend that this requested rezoning be denied.

Sincerely, Charles Garvey 7322 Dogwood Dr.

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Charles Garvey
Garvey Photography
1408 Currier Ln.
Knoxville, TN 37919
(o) 865-691-1691
(f) 865-690-4356
http://www.garveyphoto.com/

Date: 11/3/2009 11:48:11 AM

Subject: Fwd: rezoning

This is regarding Item #39, 11-A-09-RZ, S & E Properties

>>> Suzanne Farkas <Suzanne.Farkas@vacumet.com> 11/3/2009 11:45 AM >>> Michael, we are horrified at the thought of 22 houses on that property on the South side of Dogwood Drive. I have walked over there and cannot fathom how they can fit that many houses there, much less 44.

All of us across the street have multiple acres and value the quiet neighborhood. Most people have 2 to 3 cars per home. I do not believe that the road /neighborhood can support this additional traffic.

Not only will this ruin the neighborhood aesthetics, but I believe it will cause our property to devaluate. We will be in attendance to protest this type of rezoning (PR3 to PR4) at the meeting next week.

Suzanne and Bob Farkas 7216 Dogwood Drive Knoxville 379169

690-9407

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From: <pre

To: <michael.brusseau@knoxmpc.org>, <tbenefield@benefieldrichters.com>,

- <anders@holstongases.com>, <ubailey@esper.com>, <artcarey@comcast.net>,
- <artclancy3@gmail.com>, <cole5137@bellsouth.net>, <rlcraig@usit.net>,
- <gewart@georgeewart.com>, <s.johnson692@gmail.com>, <makane1@bellsouth.net>,
- < Nathan. J. Kelly@gmail.com>, < rebeccalongmire@hotmail.com>,
- <wstowers@stowerscat.com>, <mark.donaldson@knoxmpc.org>

Date: 11/3/2009 7:26:14 PM

Subject: Rezoning of Dogwood Dr. - Request Nov. 12

Dear Commission,

My wife and I have*enjoyed the peace and quiet on Dogwood Drive for over 25 years. We along with many of our neighbors*value the pleasure of the country while living close to the city. Our neighborhood is unique and tightknit, not unlike those of times past.

The thought of a subdivision being built across the street from us with 22 houses on less than 11 acres was scary enough, but 44 is more than disturbing. Dogwood Drive is narrow and curvy. Often times there is not enough room for two cars to pass on our road (much less school buses). We frequently have to pull over to the side of the road to let*approaching cars*pass. There is no way that our road and neighborhood can withstand the level of traffic which will*result from*this proposed addition to our community.

This will destroy our quiet neighborhood and increase congestion on an already dangerous road.

Please do not approve this rezoning.

Thank you,

Lynn and Peggy Brown

7220 Dogwood Drive.

Date: 11/5/2009 8:26:41 AM

Subject: Fwd: Rezoning on Dogwood Road

Re: Item #39, 11-A-09-RZ, S & E Properies

>>> <walterb1@comcast.net> 11/4/2009 8:44 PM >>>

I am e-mailing you to let you know that I am AGAINST the rezoning of the property on Dogwood Road (between Wright's Ferry and Merriwood Drive) from PR3 to PR4.* Dogwood Road is a narrow, winding, hilly country road that already has too much traffic.* There are huge trees very close to the road where two regular cars cannot pass.* We do NOT need up to 44 detached houses on this property.* My property borders this property and we are concerned about water runoff issues, as well as any retention pond that might be built.* Please consider my concerns when you vote on this rezoning request.

Elizabeth Walter

7243 Merriwood Drive

Date: 11/5/2009 8:28:58 AM Subject: Fwd: Rezoning of property

Re: Item #39, 11-A-09-RZ, S & E Properies

>>> "David Leffel" < <u>Dave@SBAWelding.com</u>> 11/4/2009 9:49 PM >>> Dear Commission Members

My name is David Leffel I am the property owner of 12 acres next door to the proposed rezoning site on Dogwood Dr. I have spent the last 16 years on this property raising my three children. As an owner of my own corporation I understand the meaning of business and making a profit, of which I have no objection to. I have been talking to various people next door and am aware of the proposal of adding more lots. I have expressed my concern to Mr. Bill Blackman about the water situation and runoff that I am currently receiving from this property, I have hired contractors personally to address issues with the addition of a bigger culvert and adding rip rap and gravel and so forth.

I have had my driveway by my house flooded numerous times since this project broke ground that I have not experienced in the past before the entire water runoff that used to be dispersed over an area of 70 yards is now concentrated to 1 four foot culvert that dumps directly on to my upper drive. This culvert has nothing to do with the retention pond culvert which now will release water at a steady pace for days after a rainfall. Which is collecting water via an underground pipe thru the subdivision from another retention pond from a totally different development above us. This was very convenient for the developers but not enjoyable when I deal with it running across my front lawn for days after. With that being said I would like to invite an member of the commission to come observe Dogwood Dr now with the amount of traffic and the size and width of this road, I do understand the developers widening the road to Whitower but the fact of the matter is the majority of the new residents will use Wrights Ferry to access Northshore because there is a light vs. entering off whitower where there is no light and a blind hill that makes it very difficult to enter onto Northshore. The amount of houses already proposed is already going to be taxing enough on the current conditions to my property and roadways. As for the water situation my 70 year old neighbor will attest that it has never been this way before the development and she has been there since 1976 I believe. I would be happy to sit one on one with any commission member and further discuss unfortunately I can not attend the meeting for I have multiple projects going on out of state with my business that conflict with the dates of the hearings. The new subdivision next door does not already fit the area where most of the surrounding properties are multi-acre lots and we have enjoyed our neighborhood and privacy that we have developed over the years and would like to keep it to a reasonable growth expansion. I understand the developers point of squeezing it for everything they can get to make a bigger profit but then again they are not living here where they are leaving it. Thanks for your time and again I will be happy to discuss further with any member you can reach me at 865-389-2185

I also invite you to come visit the site before this decision is made. Sincerely

David Leffel SBA, Inc. PO Box 30914 Knoxville, TN 37930-0914 1-877-858-1083 Office 1-866-211-3424 Fax