

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/4/2010 9:15:35 AM
Subject: Fwd: 11-A-10-SP - location 1104 Fox Road

Re: Item 21

>>> Beth Smith <bethushersmith@netscape.net> 11/4/2010 9:02 AM >>>

Please do not allow the zoning of this address to be changed. This is a dangerous road as it is and cannot possibly handle the addition of a 200 seat restaurant. Numerous people have been injured in accidents on Fox Rd, please do not add to the statistics.

Sincerely,
Beth Smith
1201 Ryan Pl 37919

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/5/2010 3:53:51 PM
Subject: Fwd: #"11- A-10-SP, Location "1104 FOX ROAD "

Re: Item 21

>>> <Cacmdb@aol.com> 11/5/2010 1:28 PM >>>
Dear Mr. Brusseau,

We ask that the commissioners vote against this rezoning for the restaurant, due to the very serious hazards posed by the narrow Fox Road.--Thank you--respectfully--Charles Chandley, 10124 El Pinar Dr, Knoxville,TN37922

From: "tnlo_sd tds.net" <tnlo_sd@tds.net>
To: <mike.brusseau@knoxmpc.org>, <mark.donaldson@knoxmpc.org>
Date: 11/9/2010 8:46:41 AM
Subject: Community Review of Chad Kennedy Offers to the Community

Dear MPC, follow on to our conversation several weeks back, I am providing you results of the meetings between Mr. Kennedy and some members of the community in opposition to the proposed rezoning at 1104 Fox Road. This process was suggested by members of the Knox County Commission to determine if conditions might be placed on the rezoning action, or if compromises could be reached that would mitigate the concerns/objections of those members of the community who are most effected by a commercial venture started on the property. Please find attached the result of meetings and emails shared with Mr. Kennedy.

Process Description: The process, which was agreed by Mr. Kennedy and Mr. Carnduff, began with a summary of the most significant concerns/objections from the community to the proposed spot rezoning/sector plan revision to allow CR zoning at Fox Road. The summary was provided to Mr. Kennedy at a meeting on 26Oct. (those summary items are in black on the attached document). Mr. Kennedy completed his review of those points and offered his response in an email to Mr. Carnduff on 3Nov (those responses are in red on the document). The document with its' summaries and Mr. Kennedy's responses was taken to a face-to-face review of a sample of neighbors who were knowledgable of this issue and included members of the communities of Tan Rara, Lovell Hills, Lakewood, and the homes along Fox Road. The results of that review were provided to Mr. Kennedy in an email last night (that response is in blue on the attached document).

Comment: First, let me say we are grateful to Mr. Kennedy and his attorney Arthur Seymour for participating in this process. It is my belief the members of the community carefully reviewed Mr. Kennedy's offerings to see if conditions to the deed or offerings would mitigate their objections or concerns. In the face of unfair comments made by some speakers at the KCC meeting, that those who opposed this proposed rezoning did not do due diligence to this process, or act in a civil manner, this process and was carefully conducted with integrity. I believe Mr. Kennedy and myself approached this process with an integrity towards an open discussion and that hope you find it useable in your review of the matters before you. Along with the fair representation of the MPC's integrity in this matter, we believe it realizes a well supported conclusion that this matter was fully and justly reviewed by all concerned.

Results: The community most effected by a CR rezoning along Fox Road still says no! Our first and foremost concern is that any consideration for zoning must not result in a compromise to the safety of those in homes along Fox Road and motorists who travel that road for the sake of a commercial venture that might benefit a few from outside it's most immediate effect. Mr. Kennedy's offerings are appreciated, but we find the conditions he offers to mitigate our concerns are out of the scope of what he can offer, or have little likelihood of a positive effect on reducing the risk of extra traffic, or just would not work. Further, the argument for conditions to mitigate our concerns falls on the ears of a community that has seen a willingness to set aside planning documents and sector plans that were intended to serve the entire community for the sake of a few in this commercial venture. It was not that long ago when the community was

promised that noise damping steps would be taken as a condition of the agreement to build extra boat storage at Fox Road marina -- that has yet to be successfully realized. In general there is a lack of confidence that these offerings will be realized or, if realized if county officials would be able to enforce those measures.

Many hours were spent by the community to complete this process and we hope you find it valuable in your task to again deny rezoning on Fox Road.

Regards,

John Carnduff
10212 El Pinar Dr
865 621-8256

CC: <chknn8@aol.com>, <WKline@hdclaw.com>, "Chad Tindell" <cbtindell@gmail.com>, "Steve and Andrea Hagood" <sahagood@charter.net>, "Andy Andrew" <DHAndrew@aol.com>, <rsparks@tds.net>, "TN SD" <tnlo_sd@tds.net>

Response to Mr. Kennedy, 8Nov: Dear Mr. Kennedy, thank you for your responses, we appreciate the time you invested to address the objections from our community regarding the proposed CR rezoning. Following a person-to-person review of your offerings I offer the following comments:

- **Your responses do not provide credible or realistic alternatives to the objections of the community. We had hoped your offerings would have been more accommodating, and we were open to give it a try, but we do not find that expressed in your offerings.**
- **The offerings to mitigate the Fox Road risks to traffic and homeowners do not provide a realistic compromise to address the hazards of the road if a commercial spot re-zoning were approved by the county commissioners. Unless a major reconstruction of Fox Road between Canton Hollow and Emory Church roads is realized before a commercial venture begins, the road will remain barely suitable for the residential traffic it supports now. Your suggestion to install speed bumps and more speed limit signs are outside your authority to offer, the impact of speed bump along Fox Road is uncertain, and adding more speed limit signs will just not work!**
- **The community around the Sinking Creek enjoys access to 30+food service outlets within a 5 to 10 minute drive from Fox Road.**
- **We appreciate your comparison of the noise level of the rail traffic to your plans. However, we accept the train noise – it was here when we bought property. Our objection remains the ADDITIONAL noise that is likely to come from a commercial use of the property.**

The bottom line – the community remains firmly in opposition to the use of spot rezoning, or sector plan revision to accommodate commercial ventures in this residential area. We believe if the McKenry property is realistically priced for residential use, a solution can be reached that is fair to the family as well as the community that surrounds it.

Mr. Kennedy, find below a description of some of the most often expressed concerns and objections to your request to have the area at 1104 Fox Road rezoned to Rural Commercial. These points are offered in consideration of comments made by Knox County Commissioners during their October hearing on your appeal to the MPC's rejection of your proposal for rezoning. If you have questions, feel free to contact me. **Responses from Mr. Kennedy were received by John Carnduff as of 10:30pm on 3Nov.**

First, the hazards posed by a narrow road with low shoulders and limited sight areas on that are characteristic of Fox Road between Canton Hollow Road and Emory Church Road present an unacceptable risk to those in vehicles, homeowners along Fox road, and bicycle riders. If the property is rezoned and traffic is increased in response to commercial ventures allowed under CR rezoning, an already challenging road situation is likely to result in a greater number of vehicle accidents, injuries, and damage to property owners. Additionally, the rail crossing at the intersection of Fox Road and Canton Hollow is not suitable for any increase in the level of traffic. Finally, operating a commercial venture that will allow consumption of alcohol on the premises, and then immediately putting the consumer on a road with such hazards further increases the risk to all who use, or live near Fox Road and the proposed rezoning site.

Chad Kennedy response: I am asking you and the surrounding neighbors to join forces with me and work with the county government to help make Fox Rd. safer. Fox Rd.'s safety issue comes directly from drivers driving it too fast. Work with me in requesting the county to add more speed limit signs, more policing, and speed bump strips. These three things will slow drives down making Fox Rd. much safer for all of us. As I mentioned at previous meetings, the times my restaurant customers will use Fox Rd. is the time of days Fox Rd. is the least traveled. We will not add drivers to school drop off or pick up times or rush hour traffic. I am also proposing adding a turning lane, at my expense, into my property to allow

a safe entrance. I am also working with TDOT and Norfolk Southern Railroad to add crossing arms to the Canton Hollow railroad crossing, at my expense

Second, the “spot rezoning” being proposed is inconsistent with the intent and purpose of the Sector Plan that should be the basis for such a rezoning request. The proposed rezoning to CR does not meet sector plan criteria that addresses changes of conditions warranting amendment to that plan.

Abandoning the agricultural or residential zoning of the property to allow unnecessary commercial ventures, against the recommendation of the MPC and the established zoning guidelines, leaves neighbors questioning the legality of such a rezoning.

Chad Kennedy response: The Rural Commercial and Neighborhood Commercial zones are designed to provide for retail and service uses not already available to the area where they are located. They are by definition allowing commercial uses in an area where there is no other like uses and are therefore not illegal “spot zoning”.

Third, activities associated with a new commercial venture will raise the noise levels and disrupt the rural setting of communities in proximity to the property. Homeowners who purchased residences believing the commercial activities would be those associated with Fox Marina and the railroad that parallels Fox Road would feel disadvantaged to then suffer the likely noises associated with the operation and support of commercial ventures allowed under CR zoning.

Chad Kennedy response: My restaurant will be located approximately three football fields away from the nearest Tan Rara resident. The Fox Rd. Marina blocks my restaurant from Fox Rd. residents to my East. The Norfolk railroad train runs 15 – 20 times a day and its’ noise level registers 109 decibels. Fox Rd. Marina is a commercial business with a boat/engine repair facility. With all these conditions it is highly unlikely that simple conversations between my customers will be heard by any surrounding residents.

Fourth, if the property is rezoned to Rural Commercial, it is logical to believe that the remainder of the McKenry property would soon be a target for rezoning requests. Placing a commercial venture on the full scope of the McKenry property, in the middle of a nearly exclusively residential area, is breaking faith with the community expectations for consistency in rural zoning.

Chad Kennedy response: Betsy McKenry is my immediate neighbor to the West. She is in full support of the rezoning and restaurant. Her property is not for sale and she plans to continue to live there. Joe and Betty McKenry’s property is for sale. It is a beautiful piece of property and in my opinion the asking price prohibits commercial use. I believe the property’s best use is for single or multifamily residential. However, nobody knows what the property’s use will be in the future, we are both only speculating.

Fifth, in consideration of suggestions to offer conditions for use on the property that is proposed for rezoning, there is doubt that substantive restrictions would be enforceable. Similar promises were made in advance of the upgraded boat storage in the late 90’s – to this date the blocking trees have yet to be installed.

Chad Kennedy response: As I have said at previous meetings, if we can work together in moving the rezoning and restaurant forward I am willing to put restrictive covenants on the property deed. These covenants can be enforced by the surrounding homeowners. Both, Arthur Seymour and Wayne Kline together have created similar agreements in the past. Knox County building codes will enforce the zoning ordinances. Restrictions can be placed on the zoning and will be enforced by Knox County Codes.

Sixth, the alteration of the natural existing land area to provide buildings, entrance areas, and parking will negatively impact the property values of homes that now have a lake-front or lake-view line of sight to the Sinking Creek.

Chad Kennedy response: According to a Market Data Analysis , prepared by a local State licensed real estate appraiser, if my property is rezoned and the restaurant is built the surrounding home owners’ property and its’marketability will be improved. Also, no Tan Rara resident will lose their lake view as a result of my development.

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/8/2010 4:23:50 PM
Subject: Fwd: Proposed rezoning at 1104 Fox Road

Re: Item 21

>>> "jacksonjej tds.net" <jacksonjej@tds.net> 11/8/2010 12:39 PM >>>
Re: file #11-A-10-SP, location 1104 Fox Road

We are asking you to please deny the request for rezoning to Rural Commercial the property at 1104 Fox Road in regard to the proposal to build a restaurant/bar. Our home is located at 10221 Westland Drive. Therefore, the site of the proposed restaurant/bar is directly across from our home at a portion of Ft.Loudon Lake known as the Sinking Creek Embayment. The noise and the lights from the proposed site would be very destructive to our quiet neighborhood. Fox Road and Canton Hollow Road are already entirely too narrow to accommodate additional traffic. There are no shoulders on Fox Road because many of the homes and Lake View Church are situated near the road on one side and the railroad tracks are closely parallel on the other. Therefore, that would leave no room for widening of the road without an enormous expense to Knox County. We would ask that you drive these two narrow roads to observe the situation. Please help us to preserve our quiet neighborhood and hold our property values by voting "NO" on the proposal. If we can provide additional information please do not hesitate to contact us via e-mail or by telephone at 966-9231. Thank you so much, James E. and Joyce E. Jackson

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/9/2010 8:14:13 AM
Subject: Fwd: Re: File #11-A-10-SP, Location - 1104 Fox Road

Re: Item 21

>>> Arla Jackson <jackson1994@gmail.com> 11/8/2010 8:01 PM >>>
Re: File #11-A-10-SP, Location - 1104 Fox Road

Good evening, Mr. Brusseau,

We are praying you will deny the request to rezone the property at 1104 Fox Rd. We just recently were able to build a home on family property, after saving for 15 years, at 10215 Westland Dr. We have now been made aware of the rezoning attempt on the property directly across the lake from us, that would place an outdoor music bar-type establishment on this property. Having just moved into the last home we ever plan to live in, this news was very alarming. I am sure you are aware of the great distance music will travel over open water. One of our favorite activities is sit outside and enjoy the quiet beauty of our area, and this proposed project would ruin our community for many, many residents. This is not just about our home, but about the many homes along Fox Rd. and Lake View Church on the road as well. Can you imagine having your church service interrupted by a tavern playing loud music? This does not seem the place for this project.

I am sure many people will inform you what a winding, narrow street Fox Rd. is and how there is no room to expand the roadway because it is pinched between the railroad tracks and the lake. This plan would then introduce another factor into an already dangerous roadway, drivers that have been consuming alcohol at this bar. Obviously, we don't believe this makes sense for our area. Please vote "no" on this proposal. If you have any questions, please call us at 964-9402. Thank you, Jeff & Arla Jackson.

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/9/2010 10:08:02 AM
Subject: Fwd: Item 11-A-10-SP 1104 Fox Road property

Re: Item 21

>>> <jjfarragut@aol.com> 11/9/2010 10:00 AM >>>

Mr. Brusseau,

My name is Judy Jenkins and I own property and live at 1131 Jenkins Lane, Knoxville 37934. The property in question (11-A-10-SP or 1104 Fox Road) is within eyesight of my front yard and mailbox. I drive by this property at least twice a day to and from work as well as to other events. My family has owned the property where I live since for more than 65 years and I know the area well and have seen many changes in the area and appreciate the improvements in our community.

First, I am willing to give any Knox County Commissioner a personal tour of the area in question and show him or her or all of them the bigger picture of the area.

I have several objections to the request before for 1104 Fox Road. Please consider the following when deciding on the petition.

A. The narrow two lane roads in the area, including Fox Road, are heavily traveled everyday. Some of these roads are too narrow for the traffic on them now and that includes the portion of Fox Road between the crossings. That portion of Fox has no shoulders in several places in it is, quite frankly, scary at times, especially when meeting a large truck. Not only will a restaurant generate additional traffic, it will need deliveries, probably every day, and box trucks will make travel even more dangerous than it already is.

These roads are used by people living in other communities as short cut to Farragut or Turkey Creek. As an example, one person that I work with lives on Nubbin Ridge and she asked me about a sign protesting the restaurant on Fox Road. When I asked her how she knew about it, she replied she saw it because she travels that way to get to her church, Concord Methodist on Roane Drive. Another co-worker lives in Gettysvue and tells me his wife travels Fox and Canton Hollow to go to Turkey Creek and Farragut. He says she loves the shortcut. The desire to avoid the nightmare of traveling on Kingston Pike is behind the willingness of others to travel these roads.

Until Knox County is willing to widen the area roads, it seems extremely unwise to add additional traffic traveling to and from a restaurant, especially one that serves alcohol. Unfortunately, portions of Fox between the crossings do not have room for widening the road. There are tracks on one side and water on the other.

B. Noise will be a problem for the residents if a restaurant is placed on this property. Delivery trucks backing up with those little warning lights. Trucks starting and stopping. General traffic noise will increase, too.

C. The developer has often mentioned the noise of the trains. The trains predate all of us by more than 100 years so we've all made a commitment at sometime to live near or by the tracks and live with the noise. The trains usually run in groups much like airports bring planes in and out. On the weekends, it can be six hours or longer between trains. Despite how it may look to a non-resident, we live in a quiet area. It is important to mention the crossing at Canton Hollow and Fox is a dangerous place. If the trains are as noisy as the developer portrays them, how does he think customers at a restaurant will enjoy hearing them or seeing them up close while eating a meal.

D. Traveling through the area, it is not difficult to see this is a residential area. It is not a commercial zone. Knox County taxpayers have built their lives around the property in question. What is the advantage to anyone other than the CGK, Inc to plant a restaurant in the middle of a neighborhood? CGK is trying to change the lives of hundreds of people for his own well-being. It is my understanding he does not live in the area.

E. The marina is not a reason to permit a restaurant. The marina (formerly boat dock) has been there for more than 60 years. While it has grown an ugly brown building, it can in no way be thought of as something that happened in recent history.

F. There are dozens of restaurants within minutes of the proposed restaurant site. It will add nothing to the neighborhood that we don't already have.

G. Noise will be a problem for the residents if a restaurant is placed on this property. Delivery trucks backing up with those little warning lights. Trucks starting and stopping. General traffic noise will increase, too.

I ask you to please consider the long term effects on the people living in the area. We have invested a lot of years in the community and I ask that you give us every due consideration as homeowners and taxpayers. We will be there long after the developer moves on to his next project.

Thank you for reading my concerns.

Judy Jenkins
1131 Jenkins Lane
Knoxville, TN 37934
865-966-9920
jjfarragut@aol.com

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/9/2010 8:13:26 AM
Subject: Fwd: Re: file #"11-A-10-SP" 1104 Fox Road

Re: Item 21

>>> <DrKathyL@aol.com> 11/8/2010 8:52 PM >>>
Knoxville Metro Planning Commission:

It is my understanding that you will duplicate and distribute our e-mail comments to other commissioners. Therefore, I would like to request that you vote "NO" to the request to rezone 1104 Fox Road. I have lived in Tan Rara Oeste Subdivision for 35 years and have seen many changes that have all been for the enhancement of value and beauty of our residential location. I strongly reject the possibility of building a commercial facility--especially a food establishment that will serve alcoholic beverages--on 1104 Fox Road.

My residence is located within view of 1104 Fox Road and certainly within hearing distance of the noise it would generate that would be a disturbing factor to our peaceful neighborhood. There are many other factors that would be negative to the value of our property which I am sure you are already aware of. I urge you to listen to us citizens who have paid high taxes for all these years only to see our property lose value because of rezoning.

I would appreciate your considered attention to this matter and vote to turn down the request to change the zoning that would allow a food/beverage establishment to be build in front of our long established neighborhood.

Dr. Katherine Lasater
10044 El Pinar Drive
Knoxville, TN 37922
966-5009

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/8/2010 8:26:57 AM
Subject: Fwd: 11-A-10-SP - location 1104 Fox Road

Re: Item 21

>>> <alicemancini@comcast.net> 11/6/2010 8:51 AM >>>

Mike Brusseau,
Please do NOT change the zoning on this road.
The road is too narrow and dangerous. Safety is a huge concern.
Thank you,
Alice Mancini

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/4/2010 9:14:59 AM
Subject: Fwd: 11-A-10-SP - location 1104 Fox Road

Re: Item 21

>>> "Miriam Mangers" <mangersm@knology.net> 11/4/2010 9:12 AM >>>
Mr. Brusseau,

I am writing today about my deep concern for the safety of our citizens traveling Fox Road. This road is the subject of a zoning issue concerning the establishment of a restaurant which would greatly increase traffic on this road. In addition, if any type of alcoholic beverage is served at this restaurant the likelihood of traffic and driving issues increases dramatically.

It is important that zoning changes recognize the rights of ALL citizens involved, and I believe the drivers traveling Fox Road have a right to a safe road. Fox Road is already a very narrow road with curves and dangerous areas. An increase in traffic will make this already dangerous road (backed up by accident reports) unacceptable.

I respectfully request that these safety issues are studied and that any decision made will take all safety concerns of citizens into account.

I am opposed to the establishment of this restaurant and the increased danger this will undoubtedly place upon all drivers, many of them young drivers heading to and from school. This area is dense with neighborhoods and this must be taken into consideration.

Thank you for allowing me to express my concern and opposition.

Sincerely,

Miriam Mangers

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/8/2010 8:27:24 AM
Subject: Fwd: refer to MPC File # 11-A-10-SP

Re: Item 21

>>> Richard McNabb Jr <mcnabb@tds.net> 11/8/2010 7:42 AM >>>

November 7, 2010

Dear MPC Members and Staff:

As we all prepare for your Nov. 10 meeting, a "Bad Idea" remains a "Bad Idea". Dialogue with Mr. Kennedy as reported reveals nothing new.

This project cannot be modified to fit this parcel, given it's size, configuration, elevation, and the setback and flow-age easements. It won't fit and it's a bad idea for this sight.

The proposed usage as a restaurant and bar is not a good idea either. It is in a residential neighborhood, served by two lengthy narrow rural roads, each with a railroad crossing, no shoulder and deep ditches. The neighborhood clearly doesn't want this facility in it's midst and finds it impossible to believe that property values would be increased.

This project is a "Bad Idea" for this sight. It cannot be transformed into a "win/win" no matter how much we might wish it to. If it proceeds it will likely be a "loose/loose" situation. Development costs would be too high for a successful enterprise, and there are still just too many negatives.

Please continue to deny this project and do not recommend changes to the Southwest County Sector Plan simply for this project.

Thank you,

Bernie and Dick McNabb
804 Fox Road
Knoxville TN 37922

P.S. In reviewing the MPC File 11-A-10-SP I see no mention of Mr. Kennedy's similar enterprises in Gatlinburg. www.puckerssportsbar.com

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/4/2010 8:30:42 AM
Subject: Fwd: re: 11-A-10-SP - location 1104 Fox Road

Re: Item 21

>>> "Robert Morgan" <rmorgan@harmonyadoptions.org> 11/4/2010 8:36 AM >>>
Fox road is dangerous enough. Let's not change the zoning to making it
more so..

Thanks.

Robert Morgan

413 N. Forest Park Blvd

Knoxville, Tn 37919

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/4/2010 8:14:12 AM
Subject: Fwd: 11-A-10-SP

Re: Item 21

>>> <aapr3b@aol.com> 11/3/2010 4:37 PM >>>

Dear Mr. Brusseau:

I am writing in opposition to the proposed zoning change to 1104 Fox Road. After the Commissioner's meeting, I called at 8:00am the next morning and spoke with someone at length regarding this proposal. I'm not sure if you were the person or not, but if so, I thank you for your assistance, patience and guidance in this matter. That day I also sent an email but I am not sure that you received it; therefore, I'm sending another with the letter I sent to the Commissioners that day also.

The SAFETY issue should be the true focus of the change in zoning is the dangers of this road and they are the following:

1. The road narrows to 18'. This road is so narrow that there are no caution lines on the outside of either lane. I am currently waiting for the Engineering Department to forward to me the federal and state guidelines regarding what the measurements of a road is required to be to allow the County to place lines on the Road. Obviously, this road doesn't meet those because they are painted on it and stop when the road narrows and hits grass. On one side of the road there is a railroad track and the other is lined with homes and the only business that was grandfathered in "Fox Road Marina" and a small Baptist Church. If a driver slips off the road (which easily happens), then the consequences are falling into a ditch or hitting someone's home, garage, mailbox, telephone poles or hitting the oncoming traffic. I have lived here for 18 years. The traffic on this road has increased, but to allow a business that will seat 200 and employee 70 would put possibly 270 more cars on daily would be negligent. It cannot handle it. There will be fatalities, crashes, injuries and destruction of someone's home.
2. This road is used Monday-Friday from August to May by Knox. County Schools. Mr. Kennedy stated that he would not open his restaurant until 11 am and would start serving dinner at 4. I question if he realizes that Farragut High School is still running buses at 4:15 on Fox Road in front of this proposed site? That is coming from the school. I do not know what time they return. Also, there are headstart programs, elementary school hours, and the children and adolescents that need special care and ride in buses that leave at different times of the day. They will not adhere to the hours he set forth to run his business. I called Gentry Bus Service (Knox. Co. School bus contractor) and asked them to measure a school bus from mirror to mirror(because their mirrors stick out wider)the measurement was 9'7". I spoke with the UPS driver yesterday and he gave me the measurement of his vehicle. (9'6"). The reason I requested from mirror to mirror is because there is no side to pull over to and buses must have mirrors that large for the safety of the children.The road is 18' wide with 6" hazard lines in the middle included in that measurement. Even if the business isn't operational during the hours of whatever school schedule he is using as a guideline. Vendor trucks, delivery trucks, distributor vans they will make their daily deliveries whenever they want and that will be a problem.
3. I travel this road at least 4 times a day, yesterday it was 8. My son who is 15 will be driving at the end of December and we have just started letting him drive on this road with us because we want him to learn what to do if he drives off the side or if he has to drive very close to another vehicle.

4. On July 11, 2004, my 2 youngest children (the 15 yo being one) and my husband were playing in our front yard and heard a terrible crash, My husband (who is a Family Practice Dr) ran across the street and over the tracks to the property that the proposed restaurant will be on and found Travis Musgrave (maybe 17) laying on the ground his car was west on the property and his tires were in the lake. He almost lost his life that day. If there was a parking lot or a business located there, many would have lost their lives. Yes, he was speeding, but that is a continual problem with that road. Before the property there are 2 small hills that obstruct oncoming traffic, if you maybe go over the middle line, there's a head on collision. He slipped off the lip and overcorrected, which made his car projectile in the air hit a telephone and tree. Actually those 2 obstacles saved his life. Residents have called to have officers radar cars, but because of the width of the road they cannot set up a speed trap. So the statement Mr. Kennedy made about speed being a problem is correct, so his answer to improve this situation would be to add possibly 300 more cars daily will control this?

5. He did live in this area and does not agree that this road is dangerous, but he put his home for sale in May and closed August the 1st. This is less than 1 mile by car and you can see his former home from the property. My question to him would be, if this will not become more of a hazard and property values in the area will "rise tremendously", than why did he sell his property when he but a bid on the land and move?

6. Finally, I thought maybe I was being a little too much of a "mom" and not looking at the complete picture, so I contacted Knox. Co. 911 to request all of the 911 calls for the 3 roads that Mr. Kennedy said access his proposed business, Fox Road, Canton Hollow and West Emory Church. Since 2004 to present I received 157 pages of incidents, 27 entries a page (some incidents have more than 1 call) from fatalities to injuries, from a mother's frightened call that they were going to be hit by cars while they waited for help getting their overturned car towed. The proof is in the past 6 years worth of documentation from an agency that rescues our families, friends and neighbors. I have this cd if you would like a copy of it. Even I was shocked by the number and more confident that I and everyone that drives that road should object to this change.

Thank you for your time and I beg of you to base your decision on the safety of the young drivers, the school buses, the frantic moms trying to get to school, soccer and basketball (me), the older drivers, the members of the church located on Fox Road, that worship and get baptized in the lake. Please think long and hard about this. There are many vacant and closed buildings and other places on the lake that have a road that can handle his business where he can open a restaurant. I never have opposed something like this before, but as a parent and citizen of Knox. Co., I cannot agree to add more traffic to a road for a business that would add to the hazards.

Again, I appreciate the opportunity to express my concerns.

Sincerely,

Lori Spalding

Below please find the letter I sent to the Commissioners after they chose to send it back to the MPC. I know there is a lot of emotion in the letter below, but that was written immediately following the meeting

where they questioned the MPC and your first decision. I know you cannot form an educated decision visiting the site 1 time like many of the Commissioners said they did. It's not about the building or Mr. Kennedy, it's the road that we have learned to live with and accept with caution and beg the MPC not to allow more dangers by increasing the traffic daily.

Dear Commissioners:

I want to begin this letter by thanking the Commission for all of your time that has been put forth towards this issue and I hope you will listen just a little longer. I spoke at the end of the meeting and was amazed that there has become so "ugly". I cannot think of a better word to use that could define all of the emotions on both sides. I would like to respond to a couple of comments made and again reiterate the major, major safety issues this would cause.

a. Two Commissioners stated that there are more dangerous roads in Halls and Powell (1 with 2 or 3 single lane bridges and one with a convenience store). I agree that in our county there are many dangerous roads, but as Commissioners for the people of Halls and Powell you would never think to add more congestion to those areas if it came before you. That would add more cars which would add possible accidents to those roads you were speaking about.

b. Mr. Seymour raised the fact that there is a restaurant and gas station in Sequoia and Mr. Kennedy stated that the noise that the residents were concerned about will be much quieter than the train. Well, they are both correct, but, the restaurant and gas station have been in Sequoia forever, Residents purchased their homes knowing the shops were there. The same can be said about the train. We purchased our homes knowing the train was there. We knew about the noise and the traffic from the marina. That was our choice and the residents of Sequoia's choice.

c. Mr. Kennedy commented in his statement that he knows many people are "uncomfortable with change", I disagree. I am a mother of 4 - I love change! Even change that is not my decision or desire, as long as it's fair and safe to those who have the right to have their voices heard. Most of the residents that have their property back up to the view of the proposed restaurant are Veterans. How can we not respect and consider the feelings for those who have given up alot of their lives for us? My son has served in both Afganistan and Iraq. I have truly learned many lessons about what is important, what sacrifice means, what safety is how important it is to stand up and speak for fairness and how much a parent can love a child.

d. Which brings us back to the safety issue. Mr. Kennedy was correct in saying that there are three (3) ways to access his proposed development, except that he left out that they all bottle neck into 2 lanes (approx. 2 lanes with the width of 18'). The road narrows so much the county doesn't have yellow lines on the outside of the lanes. I'm sure there are federal road regulations on where you can paint the lines on the outside of the lane. I am in the process of researching that along with the federal, state and county guidelines on adding additional traffic to a road with these dimensions that are on county school bus routes and adding additional vehicle traffic. I understand that Mr. Kennedy said he would avoid the hours that schools are in session. Great, but buses are still returning and traveling in front of that property at 3:50 and after 4:00. But even if he takes that precaution, what about the vendor trucks, (i.e., milk trucks, produce, restaurant necessities) I contacted the Gentry School Bus office and had them give me the measurements of a school bus from mirror to mirror. I was amazed to find out that a bus is 9' 6" in width. My suv is 7' from mirror to mirror. (I asked for that measurement because school bus mirrors are always out) There's no room. Those 2 vehicles barely fit, but how can a vendor truck pass a bus? You could argue that one of the vehicles could go off the lip a little, well not there, they would tip over

because there is a drop off on either side of about 2-4 ft.

To me and many others this is not about blocking Mr. Kennedy's desire to prosper and to open a restaurant. I wish him well and hope he's very successful. This is about the safety of every person that drives that road. He can assure that it's safe and nothing will happen, well, I can tell you that it has happend. I've witnessed it, and watched my husband hold a young man's life in his hands. Is this really worth risking anyone's life over? I know there are ton's of closed businesses and other places that would offer him easier access and make a lot of retired people happy. But really it all comes down to that the citizens of Knoxville have faith and trust that the officials that we elected will put our lifes and safety first before money and business. On a side note, the young man who's face I see as I write to you is named Travis. He still returns to that property to thank God that he is alive.

Thank you again for the late night, long day and reading yet another letter regarding this property.

Sincerely,

Lori Spalding

From: Sarah Powell
To: Betty Jo Mahan
Date: 11/8/2010 8:21:05 AM
Subject: Fwd: 11-A-10-SP and 6-C-10-RZ

>>> <vanmetes@comcast.net> 11/7/2010 10:59 PM >>>
p { margin: 0; }COUNCIL OF WEST KNOX COUNTY HOMEOWNERS, INC.Representing
Homeowners Since 1971

November 7, 2010
Re: 11-A-10-SP and 6-C-10-RZ

Dear Commissioners,

The Council of West Knox County Homeowners strongly supports the DENIAL of any plans to amend the sector plan or rezone the property at 1104 Fox Road.

This potential restaurant, if successful, would change the character and negatively impact the neighborhood with traffic, noise, and light. Fox Road and the access roads are not capable of handling ANY increase in traffic from the construction nor the operation of this restaurant.

I personally enjoy boat-accessible and waterfront restaurants. However, boat traffic to this area is limited to residents of the marina because of its isolated location. This restaurant will not be supported by other boat traffic due to the long No Wake Zone of Concord Marina and Lakeside Tavern Restaurant.

Please, once again, deny this change in the sector plan and deny this spot rezoning.
A restaurant or any commercial business at this location is not acceptable.

Please DENY this request.

Thank you for your service to Knox County.

Debra Van Meter

President of Council of West Knox County Homeowners ® ® ® ® ® ® ® ® ®
® ® ® ® ® ® ® ® ® ® ® ® ® ® ® ® Officers: Directors: President:Debra
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Secretary:Judy Horn539-7885 John von Weisenstein690-3944Treasurer:Dave Rivoira539-5301
Parliamentarian:Andy Andrew966-1861 c/o Debra Van Meter 8700 Darien Court Knoxville TN 37922
8070 vanmetes@comcast.net

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/8/2010 8:27:12 AM
Subject: Fwd: 1104 Fox Road; Requested Rezoning

Re: Item 21

>>> "jvonw" <jvonw@knology.net> 11/7/2010 4:11 PM >>>
To: Knox MPC
Attention: Mr. Michael Brusseau
Subject: 1104 Fox Road; Requested Rezoning
MPC File: 6-C-10-FZ & 6-A-10-SP & 11-A-10-SP
Date: November 8, 2010

Sir, This message is submitted in opposition of the proposed rezoning. In regards to ACCESSIBILITY recognize that patrons originating in Farragut, other areas of West Knox County, and possibility Lenoir City will be accessing the proposed Fox road facility via Canton Hollow Road.

Facts and reasons for disapproving this petition include:

- 1.) Canton Hollow Road, is without shoulder, has deep drop offs, and an undulating, marginal and nonuniform pavement width, before crossing an ungated railroad line to join Fox Road. Canton Hollow Road in addition to serving numerous homeowners along arterial roads, will also serve as a conduit for police and emergency vehicles servicing the proposed facility. Additionally, Canton Hollow Road poses many hazards for the unwary most notably evidenced by a large scarred tree at the North West corner of the Woody Drive juncture;
- 2.) A fatal crash on Canton Hollow Road Claimed the lives of three East Tennesseans.
<http://www.volunteertv.com/home/headlines/4574687.html>

Thank you for your time and consideration,
John von Weisenstein
608 Galveston Road
Knoxville, TN 37923-2751
[At this address since 1978]
[Serves as a Director of the Council of West Knox County Homeowners]

From: Mike Brusseau
To: Betty Jo Mahan
Date: 11/9/2010 2:37:43 PM
Subject: Fwd: MPC file 11-A-10-SP at 1104 Fox Road

Re: Item 21

>>> <DHAndrew@aol.com> 11/9/2010 2:33 PM >>>

712 Summit Lake Court
Knoxville, TN 37922
Date: November 8, 2010
To: Knox MPC
Atten: Mr. Michael Brusseau michael.brusseau@knoxmpc.org
(<mailto:michael.brusseau@knoxmpc.org>)
Subj: 1104 Fox Road; Requested rezoning
MPC File; 11-A-10-SP 6-C-10-FZ

Sir, this message is submitted in re affirmed opposition of the proposed sector plan revision to accommodate an illegal spot rezoning. Reasons for disapproving this petition include:

- The proposed commercial Restaurant with bar would significantly increase impaired operator traffic on the roads, Fox, Canton Hollow and Emory Church, all of which are currently overloaded and locations of many accidents, some fatal.
- Revising the currently valid SW Sector Plan to accommodate spot rezoning for such a requested commercial venture in this residential area undermines the entire concept of land use planning.
- There are already more than 30 prepared food sources (some open, some shutdown) within 8 miles of the site.
- The site does not meet the specific criteria of the request CR zoning.

We citizens of west Knox County look forward to MPC's summary rejection of the request.

Regards,
DH (Andy) Andrew

11-A-10-SP_app Rector



November 8, 2010

Mr. Michael Brusseau
Metropolitan Planning Commission

RE: MPC File # 11 - A - 10 - SP

I am a long time resident of Fox Road and I strongly oppose Mr. Chad Kennedy's request for rezoning.

The facts have not changed. Our road is very narrow and already heavily travelled.

If Mr. Kennedy wants, as he stated at the Commission meeting, to "just improve Knoxville's waterfront as is being done in Chattanooga", then he should go to downtown Knoxville and leave this small cove in West Knox county alone. We do not need improving.

On a personal note, we residents do not want a restaurant/bar on our street. It is very painful to witness a small group of people change a neighborhood from residential to commercial.

Please do the right thing and deny this petition.

Sincerely,

Lorraine Rector

November 9, 2010

Elizabeth Barnes Griffin
922 fox Road
Knoxville TN 27922
865-966-3455

Members of the Knoxville Metropolitan Planning Commission:

Although you are, by the nature of your Office(s), already familiar with the legalities of "Sector Plans," "Uses Permitted on Review," and the specifics of "Rural Commercial Zone (CR);" I was not.

Here's what I have learned: each zoning designation has specific characteristics, purposes, and restrictions.

Like you and as a developer, Mr. Kennedy knows the law and knows what he is asking for when he requests that you rezone the property at 1104 Fox Road as Rural Commercial.

Fox Road is not "rural" in any way and does not meet the description or purposes for this designation. The request for Rural Commercial Zone (CR) is an attempt by Mr. Kennedy to avoid having to meet "uses permitted on review" criteria under another designation.

In my opinion, if he is indeed versed with the ordinances governing development, Mr. Kennedy made this request in this manner to circumvent the following portions of the Development Standards for Uses Permitted on Review:

- 4.10.14 - consistent with ... Sector Plans.
- 4.10.16 - compatible with the character of the neighborhood
- 4.10.17 - will not significantly injure the value of adjacent property by noise, lights, fumes, odors, vibration, traffic congestion or other impacts
- 4.10.18 - not of a nature or so located as to draw substantial additional traffic through residential streets.

Following are direct quotes taken from Mr. Kennedy's written application to the MPC:

My concept is a Family, Boater, and Neighborhood friendly Restaurant.

My hours will be Sunday – Friday 11:00 a.m. to 10:00 p.m. and Friday & Saturday 11:00 a.m. - 11:00 p.m.

The outdoor seating area will be designed to project any noise directly down the lake towards Lake Side Tavern, and NOT towards any homes.

I plan to do extensive landscaping to beautify the property and create a thick buffer zone made of trees and bushes.

During the meeting of the County Commission on 09/08/2010, Mr. Kennedy also said (approximately):

There will be no karaoke; there will not be outside music at all

There will be no rentals – jet skis, boats, etc.

The proposed restaurant will be designed by the architects who designed Panera's & Aubrey's

Other properties already operated by Mr. Kennedy do not follow these guidelines.

Under Rural Commercial zoning, a restaurant is permitted - period. Under this designation, I – as a resident of this neighborhood - would have no say in what type of restaurant is built. In addition, once the MPC supports Rural Commercial, any present or future owner can build whatever type of restaurant or other use permitted in this zone without my having any recourse whatsoever.

If I understand correctly, and if you approve Rural Commercial zoning of this property, regardless of his statements/promises, Mr. Kennedy will be under no legal obligation; he or future owners can do whatever they like within the zoning guidelines.

Your initial action to deny the rezoning application for 1104 Fox Road from Agricultural to Rural Commercial was correct and in keeping with both the law and the intention of the law. I urge you to uphold that ruling.