

Knox County Commission



SHARON CAWOOD
COMMISSIONER SIXTH DISTRICT

May 17, 2007

Mr. John Roberts
10350 Rather Road
Knoxville, Tennessee 37931

Dear Mr. Roberts:

I have just received a reply from Mr. Jim Snowden of the Knox County Department of Engineering who advises me that he agrees Rather Road is quite narrow; however, he also says that as there is a minimal crash history and a low traffic volume, the county cannot widen the road.

While I am very sorry the Department of Engineering does not agree with me in this instance, I am pleased to say that the roadsides will be mowed to improve visibility for motorists. Also, road signs will be placed along Rather Road to assist in safe travel.

Hopefully, this will be helpful to you and your neighbors and don't hesitate to contact me whenever I might be of some further assistance to you or your family.

With kindest personal regards,

Sincerely yours,

A handwritten signature in cursive script that reads "Sharon Cawood".

Knox County Commission



SHARON CAWOOD
COMMISSIONER SIXTH DISTRICT

May 15, 2007

Mr. John Roberts
~~10350 Rather Road~~
Knoxville, Tennessee 37931

Dear Mr. Roberts:

Thanks very much for contacting me about Rather Road.

I appreciate hearing from you and while I don't know what evaluation the Highway Department might make, enclosed you will find a copy of my letter of this date to Mayor Rasgdale on your behalf and that of your neighbors.

Be assured, once I will receive a reply, I will notify you immediately and don't hesitate to contact me whenever I might be of some further assistance to you or yours.

With kindest personal regards,

Sincerely yours,

A handwritten signature in cursive script that reads "Sharon Cawood".

Enclosure.

Knox County Commission



SHARON CAWOOD
COMMISSIONER SIXTH DISTRICT

May 15, 2007

The Honorable Mike Ragsdale
Knox County Mayor
City & County Building
400 Main Street
Knoxville, Tennessee 37902

Dear Mayor Ragsdale:

Rather Road in my district has not been accepted as a county road and while I realize the problems and costs attendant to accepting such roads, let me point out that school buses travel this route daily.

In fact Rather Road narrows at some points to about twelve feet and if one has the misfortune to encounter a school bus, one must oftentimes back up and straddle a ditch in order to allow the bus to pass. A large development has been approved down the way and I feel pretty certain that if the youngsters go to Karns, Rather Road will likely be used to access Oak Ridge Highway. In light of those facts, I thought perhaps the Highway Department might reassess Rather Road and see if Knox County could improve it and accept it.

With kindest personal regards,

Sincerely yours,

KnoxNews

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URL:

http://www.knoxnews.com/kns/local_news/article/0,1406,KNS_347_5522861,00.html

Construction conundrum

With troubled project still unfinished, county weighs contractor's offer

By **DON JACOBS**, jacobs@knews.com

May 6, 2007

Residents of Dutchtown Road have been waiting nearly three years for a contractor to finish widening less than two miles of the road.

They might be waiting another year.

After walking off the \$4.2-million project in December 2006, the contractor has proposed resuming work, but at a price.

Bruce Wuethrich, Knox County director of engineering and public works, said he met last week with Gary Lofton, vice president of APAC-Tennessee Inc., to resolve the conflict.

APAC, Wuethrich said, wants an additional \$967,312 to complete the project. The company also wants 14 more months on the job and for the county to forgive the nearly \$90,000 in \$500 daily penalties that have accumulated because it missed the Nov. 8, 2006, deadline for the project.

With the additional \$150,000 Knox County already had agreed to pay APAC because of a change order, contract costs under the new proposal would be \$5.3 million. That's \$500,000 more than the second-highest bid for the work and just \$125,000 below the highest bid for the project.

"After reviewing their proposals and our options, I've decided to accept their change order," Wuethrich said last week.

Wuethrich, after consulting with Knox County Mayor Mike Ragsdale, said he will recommend to the Knox County Commission at its May 22 meeting that it agree to APAC's proposals. County Commission has final say.

"They have us over a barrel to get more money and get the job done," said Commissioner Frank Leuthold, who represents the 5th District, where Dutchtown Road is located.

Leuthold said companies should comply with their contractual obligations.

"I don't really like it because it goes against my grain," he said. "But that doesn't get the job done. We need to fund it to get it done."

Leuthold's son, Craig Leuthold, who also represents the 5th District on County Commission, said he probably also will agree to APAC's terms.

"I'm not really happy that it's going to cost us more, but it's got to be finished," Craig Leuthold said. "The road is tore up and people's driveways are messed up."

Wuethrich said his options led him to accept APAC's conditions. He could have cancelled the contract and rebid it, but that would require re-surveying the road and

losing this construction season.

Knox County could have pulled APAC's \$4.7 million performance bond on the project to get money to pay a new contractor, he said. But that would involve a lengthy court battle and even higher construction costs with the passage of time.

Or Wuethrich could recommend that the county retain APAC on the project, with the additional costs and time and loss of the penalty money.

"I don't have to do what I'm doing, but this puts the project back on track," he said.

The delay also is pushing back phase two of the widening project. That estimated \$3 million job extends one mile from Christian Academy Boulevard to Park Village. Designing the entire project costs \$581,000.

APAC's Lofton, declined last week to address Knox County's comments for this article.

"I really don't have anything else to add," Lofton said.

Blame game Jim Snowden was concerned about the Dutchtown Road widening project the day APAC signed the contract in August 2004.

"They underbid it, in my opinion," said Snowden, deputy director of Knox County engineering and public works.

The contract was to widen Dutchtown Road's two narrow lanes of 9 to 10 feet each to three 12-foot-wide lanes, including a center turn lane.

The 1.88-mile length of the project from Pellissippi Parkway to just east of Christian Academy Boulevard was designed to include sidewalks on each side of the road. In addition, 1,250 feet of Mabry Hood Road was to be widened.

Eleven months later, Snowden's concerns prompted him to send a letter to APAC. Snowden's missive in July 2005 noted "approximately 38 percent of the project timeline has been expended with only 15 percent of the work completed."

Snowden's letter requested "a detailed schedule of your planned construction activities for the next 6 months for our review."

APAC, however, didn't respond until October 2005. It was the first of several letters to Knox County complaining that APAC crews couldn't work because utility poles blocked their path.

Snowden said he had given utility providers road plans two years before signing the construction contract. Companies with underground utilities relocated their lines without disrupting construction.

In March 2006, the APAC project manager again noted that utility poles in their way had stymied work crews. Because of that, the letter said, APAC wouldn't resume working until "the current contract completion date."

"As a result of these inefficiencies in the utility work, APAC has been and will be required to perform additional and changed work for which APAC expects a change order granting APAC additional time and compensation," the letter stated.

Wuethrich and Snowden conceded that APAC had encountered real problems in trying to work with utility companies with overhead lines on poles along Dutchtown Road. Getting two telephone companies, three cable providers, a University of Tennessee line and the electric company coordinated was a nightmare, they said.

Aggravating the problem was Hurricane Katrina in 2005. Utility companies sent crews to the Gulf Coast to help the beleaguered region, leaving them short of manpower locally, Wuethrich said.

And each utility has to relocate its lines in a specific order. In addition, the county does not compensate utilities for the costs of relocating lines or poles.

"It requires a lot of coordination to get it done right," Wuethrich said. "But it's APAC's responsibility to work that out with the utilities."

Knox County's contract states it is the contractor's responsibility to determine how utility conflicts will affect its work schedule.

Living in a war zone Residents along Dutchtown Road face a landscape of red-clay cliffs, steep driveways, strewn-about gravel and 5-foot-high concrete drainage pipes littering the roadside

"It's a continuing war zone out there," Wuethrich said. "It looks like an air strike."

Nearly 8,000 vehicles a day travel Dutchtown Road, which connects Cedar Bluff Road and Pellissippi Parkway. The road also serves two private schools - Christian Academy of Knoxville and Webb School of Knoxville - with combined enrollments exceeding 2,000.

Residents bemoan the loss of trees that once lined their front yards. Front yards have shrunk to 20 feet of grass because of the road easement.

Sue Eubanks has lived 51 years in the Dutchtown Road house her husband was raised in. She says she once had the prettiest yard on the road. Now she worries about falling down the 12-foot drop that workers gouged in her front yard.

"I think it's a mess," she said. "They never should have done it."

Shana Edington fears allowing her children, 10, 8 and two 1-year-olds, to play in a front yard now too close to the road. Edington has lived along Dutchtown Road nearly 10 years

"They're essentially putting a freeway in my front yard," she said, adding that people drive too fast on the road posted at 30 mph.

"When they widen this road, they're giving drivers a green light to go 75 mph," Edington said. "The thing now is that cars won't hit trees; they'll hit our houses and our children."

Vanessa Cornelius said she was "fed up with" the delayed project that has slashed the front yard she nurtured for almost 20 years. She also argued that drivers travel too fast on Dutchtown Road. One morning, she said, she had two crashed cars in her front yard.

Cornelius bristled at the idea that taxpayers will shell out another million dollars to finish the project.

"Let him do it for what he bidded it for," she said.

Don Jacobs may be reached at 865-342-6345.



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MEMORY TRANSMISSION REPORT

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TEL NUMBER :
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FILE NUMBER : 633
DATE : MAY-07 02:37PM
TO : 92152068

DOCUMENT PAGES : 003
START TIME : MAY-07 02:37PM
END TIME : MAY-07 02:38PM
SENT PAGES : 003
STATUS : OK

FILE NUMBER : 633 *** SUCCESSFUL TX NOTICE ***

fax

Subject: Agenda item # 13 for May 10 meeting
cc:
Date: May 7, 2007

To: Kelly
Phone Number: 865-215-2500
Fax Number: 865-215-2068

From: John Roberts
Phone Number: 865-218-2546
Fax Number:

Comments: Kelly..Thanks for your help. Please drop me an email (bottom of my list of concerns) or give a call to the above number and let me know that you've received this.

John

fax

Subject: Agenda item # 13 for May 10 meeting

cc:

Date: May 7, 2007

To: Kelly

Phone Number: 865-215-2500

Fax Number: 865-215-2068

From: John Roberts

Phone Number: 865-218-2546

Fax Number:

Comments: Kelly Thanks for your help Please drop me an email (bottom of my list of concerns) or give a call to the above number and let me know that you've received this

John

To whom it may concern:

First, thanks for reading my opinions and concerns. I also want to make a point that I'm not adverse to "controlled" development for Knox county with an infrastructure in place that supports growth.

As I'm not able to attend the rezoning hearing on May 10, 2007, I would like for the following to be considered and preferably concerns answered by both the MPC and M&M Partners concerning the proposed subdivision on the east side of George Light Rd., north side of Rather Rd., file # 4-SB-07-C/4-A-07-UR (Agenda item 1#13).

I currently reside at 10358 Rather Rd. which is approximately 9/10 miles from the intersection of George Light and Rather Rd. After reading the article 'Construction conundrum' by Don Jacobs in the Knoxville News Sentinel, it raised several safety as well as infrastructure concerns for me.

As there is not enough time before the May 10 meeting to do a really thorough research for more current statistics, I'm making several conservative assumptions based upon data obtained from Internet Knox County sources (parts of reports listed at the end of this document) and observations based on my place of residence.

- There will be an additional 86 vehicles using Rather Rd.
- 1/3 of the 43 households will have children over the age of 16 that can drive. I've not found any solid data on drivers over 16 so this is a guess.
- There are at least 2 sections of Rather Rd. that are less than 10' wide.
- One narrow stretch of Rather Rd. has a drop off into Beaver Creek with no guard rails.

My major concern relates to safety but the road, traffic situations, and environment are also concerns.

- Currently there is not an access lane for entrance to or exit from the Pellissippi parkway to George Light Road. I drive this road daily and needing to slow down from the posted (although not enforced) speed of 55 mph to make the turn onto George Light is dangerous with the existing number of cars using this road.
- The schools that will be used by the persons in this development are in Karns. This means that Rather Rd. will be the main road for persons taking their children to Karns as well as additional school bus traffic. Given the number of "blind curves", the number of areas which will not support two-way traffic, and a railroad crossing with no signals or barriers, these pose hazardous and potential life threatening conditions. I have been forced to back up on Rather Rd more times than I can count due to school buses coming from Karns and not having anywhere to pull off.
- This plan does not show any environmental impact (e.g water run-off into Beaver Creek).

Concerning the Staff Recommendation section of the report:

1. Point 3: Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works.
 - a. I would like to refer to Don Jacobs column and ask what guarantees have or are being put into place to avoid the "contractor holding county hostage" situation from occurring again.
2. Point 4: The applicant widening Rather Rd. from George Light Rd. to the proposed subdivision entrance to a minimum width of 20'. The widening is to be done with the approval of and under the supervision of the Knox County Dept. of Engineering and Public Works.

- a. As a development, we attempted to have Knox County assume ownership of a private hardtop road to our homes built by our developer. We were not approved because it is my understanding that the road must be at least 25 feet wide and curbs must be put in. We currently meet the 20 foot minimum as identified in Point 4 so I'm not sure what the rules are and would like this plan to be more specific.
3. Point 8: Note on the plan the required 25 from center line minimum right-of-way dedication on Rather and George Light Roads.
 - a. This appears inconsistent with Point 4.

Excerpts from Knox Count reports retrieved from the internet. Although this document seems to be trying to compare Farragut to Knox county, I'm basing my comments on the numbers for Knox county.

TECHNICAL REPORT SERIES:
KNOXVILLE, FARRAGUT, AND KNOX COUNTY
SOCIAL AND ECONOMIC COMPARISONS

July 2002
Based on statistics reported in the
2000 Census of Population and Housing, Summary File 3.

VEHICLE OWNERSHIP

About one-third of Knoxville's households have two vehicles. More than half of Farragut's families make that same claim. Farragut's share of 3-car families outnumbers Knoxville's by more than 2-to-1.

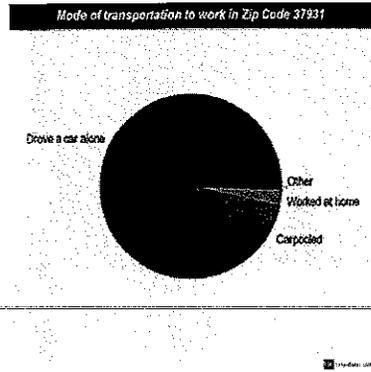
There are an estimated 1.8 vehicles per household countywide, with a 1.5 vehicle average in Knoxville and 2.2 per household in Farragut.

COMMUTING TO WORK

Efforts to increase automobile ridesharing and public transit use in daily work commuting have not had a noticeable impact on reducing the number of vehicles on area roadways each day. According to 2000 Census figures, 81% of Knoxville residents drive alone to work, up from 77% in 1990.

There are about 5,000 more workers in Knoxville since 1990, but the number of solo drivers grew by 6,700. A reduction in the number of carpoolers and a decline in public transit reliance for daily commuting account for the difference.

** Specific to 37931 zip code as of 2000 report.



- Means of transportation to work
- Drove a car alone: 8,743 (89%)
 - Carpooled: 761 (8%)
 - Walked: 40 (0%)
 - Other means: 14 (0%)
 - Worked at home: 297 (3%)

Thanks again for taking the time for addressing my concerns.

Sincerely,

John Roberts

10358 Rather Rd.

johndroberts@comcast.net

	KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION SUBDIVISION REPORT - CONCEPT/USE ON REVIEW
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▶ **FILE #:** 4-SB-07-C **AGENDA ITEM #:** 13
 4-A-07-UR **AGENDA DATE:** 5/10/2007

POSTPONEMENT(S): 4/12/2007

▶ **SUBDIVISION:** ~~M & M PARTNERS ON RATHER RD.~~

▶ **APPLICANT/DEVELOPER:** M & M PARTNERS

OWNER(S): M&M Partners

TAX IDENTIFICATION: 89 173

JURISDICTION: County Commission District 6

▶ **LOCATION:** East side of George Light Rd., north side of Rather Rd.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

▶ **APPROXIMATE ACREAGE:** 12.81 acres

▶ **ZONING:** PR (Planned Residential) pending

▶ **EXISTING LAND USE:** One mobile home and vacant land

▶ **PROPOSED USE:** Attached residential subdivision

SURROUNDING LAND USE AND ZONING: The area on the east side of Pellissippi Pkwy. is developed primarily with agricultural and rural residential uses, under A zoning. The site is within the Technology Overlay along the Pellissippi corridor. A technology type business is developed adjacent to this site to the southeast under BP/TO.

▶ **NUMBER OF LOTS:** 43

SURVEYOR/ENGINEER: Batson, Himes, Norvell & Poe

ACCESSIBILITY: Access is via Rather Rd., a local street with a pavement width of 14' to 16' within a 40' wide right-of-way.

▶ **SUBDIVISION VARIANCES REQUIRED:** None

STAFF RECOMMENDATION:

▶ **APPROVE** the concept plan subject to 9 conditions

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Provision of a street name which is consistent with the Uniform Street Naming and Addressing System within Knox County (91-1-102)
3. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works
4. The applicant widening Rather Rd. from George Light Rd. to the proposed subdivision entrance to a minimum width of 20'. The widening is to be done with the approval of and under the supervision of the Knox County Dept. of Engineering and Public Works.

5 ?

purpose of maintaining the storm water drainage system.

6. Certification on the final plat by the applicant's engineer that there is 300' of sight distance at the intersection of the proposed subdivision entrance and Rather Rd.

7. Place a note on the final plat that all lots will be access from the internal road system only

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8. Note on the plan the required 25 from center line minimum right-of-way dedication on Rather and George Light Roads.

9. A final plat based on this concept plan will not be accepted for review by MPC until certification of design plan has been submitted to MPC staff

► **APPROVE the development plan for up to 43 attached residential dwellings on individual lots subject to 2 conditions.**

1. Prior to obtaining any building permits submit a revised typical landscaping plan that incorporates the use of shrubs, flowering and shade trees for MPC staff review and approval

2. Meeting all other applicable requirements of the Knox County Zoning Ordinance

COMMENTS:

The applicant has present a concept plan for 43 lots on this 12.81 acre site. This matter was postponed at the April MPC meeting to permit County commission to act on the rezoning of the site. On April 16, 2007 the Knox County Commission approved the rezoning of this site to PR (Planned Residential) at 5 du/ac. The proposed development will consist of 43 attached residential units. Development of this site with attached dwellings allows the density to be concentrated outside the area of steepest slopes on the property.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed subdivision will have minimal impact on local services since water and sewer will be provided to this site.

2. The proposed attached residential subdivision at a density of 3.36 du/ac, is consistent in use and density with the approved zoning of the property.

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3. Any school age children living in this development are presently zoned to attend Hardin Valley Elementary, Karns Middle School and Karns High School.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed attached residential subdivision meets the standards for development within a PR Zone and all other requirements of the Zoning Ordinance with the recommended conditions.

2. The proposed residential development is consistent with the general standards for uses permitted on review:

A. The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The Northwest County Sector Plan proposes this site for low density residential use which may permit a maximum density of 5 dwellings per acre. The overall development density of the proposed development is 3.36 dwellings per acre.

B. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The proposed development complies with all the height, bulk and area requirements of the Knox County Zoning Ordinance. The proposed development meets all the requirements of the PR (Planned Residential) District).

C. The use is compatible with the character of the neighborhood where it is proposed. As previously noted, the proposed development is compatible in use and intensity of development with the surrounding area.

D. The use will not significantly injure the value of adjacent property.

E. The use will not draw additional non-residential traffic through residential areas. This is a low density residential development within an area designated for low density residential use. The traffic generated from this project will be similar to the traffic that is generated by other residential developments.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

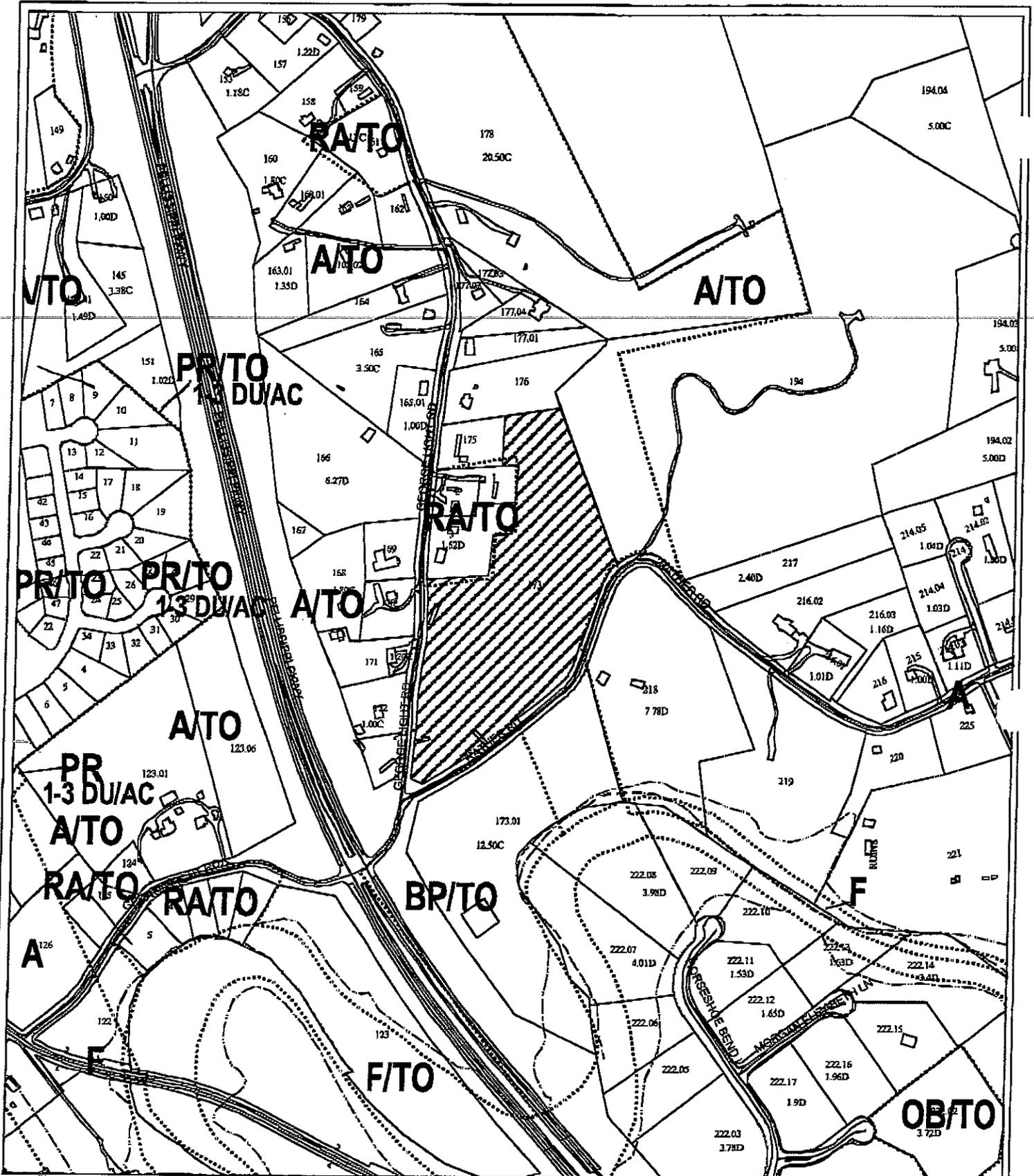
1. The Northwest County Sector Plan designates this property for low density residential use. The PR zoning approved for the property allows consideration of up to 5.0 du/ac. The proposed subdivision with its distribution of density on the site and overall density of 3.36 du/ac is consistent with the Sector Plan and the proposed zoning designation.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy

Plan map.

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

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



**4-SB-07-C/4-A-07-UR
CONCEPT PLAN/USE ON REVIEW**

 Attached residential development in PR (Planned Residential) pending

Original Print Date: 03/21/07 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: M & M Partners on Rather Rd.
M & M Partners

Map No: 89

Jurisdiction: County



