

6-B-14-RZ-6-A-14-SP-cor-Dailey



Dear Commissioners,

Topside Road,

The Patrick Tracy property asking for a sector plan change and rezoning to commercial should be denied as the case in 2005 by MPC 15-0. This business has operated illegal for 14 years with many code violations including illegal dumping. The sector plan should not be changed because nothing new to warrant such a distract change has occurred. The only change is that Mr. Tracy effort to get around the Knox county codes he has been ignoring since 2000 when he signed his building permit as residential and no commercial operation. Verified by Knox county codes records as to MR. Tracy agreeing with his signature.

Please protect the neighborhood from future harm by Mr. Tracy with a open box to get around codes.

Vote to deny any sector plan change and rezoning.

Thank you.

Chester Dailey

7508 Government Farm Road

Knoxville Tn 37920



## Fwd: Patrick Tracy request

2 messages

**Mark Donaldson** <mark.donaldson@knoxmpc.org> Thu, Jun 5, 2014 at 8:00 AM  
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>

----- Forwarded message -----

From: **Dailey, Carson** <cdailey@applied.com>  
Date: Thu, Jun 5, 2014 at 6:34 AM  
Subject: Patrick Tracy request  
To: "mark.donaldson@knoxmpc.org" <mark.donaldson@knoxmpc.org>  
Cc: "michael.brusseau@knoxmpc.org" <michael.brusseau@knoxmpc.org>

Mr. Donaldson and Mr. Brussea,

Thank you for the meeting on 6/4/14 about the request for the Patrick Tracy property sector plan and rezoning change. As I understood the MPC will recommend denial of commercial and recommend NC at the site. As discussed the NC will not make the illegal business legal. A zoning change to NC is not requested and should not be considered under the application. This application for sector and zoning change should be denied. A new application for NC should be submitted by the applicant if the property owners wants to have a zoning od NC.

Please recommend denial of this request for commercial and have property owner apply for a request for NC if needed.

Thank you.

Carson Dailey  
Sr. Account Manager  
Applied Industrial Technologies  
Knoxville Tn 37920  
865-660-0019

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**Michael Brusseau** <mike.brusseau@knoxmpc.org>

Thu, Jun 5, 2014 at 8:25 AM

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Re: Item 37

[Quoted text hidden]

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Michael A. Brusseau, AICP, Senior Planner  
Knoxville-Knox County Metropolitan Planning Commission  
City-County Building, Suite 403  
400 Main St.  
Knoxville, TN 37902  
Phone: (865) 215-2500  
Fax: (865) 215-2068  
[www.knoxmpc.org](http://www.knoxmpc.org)



**Fwd: Comments on MPC file # 6-B-14-RZ, 6-A-14-SP -- Patrick Tracy -- June 12 agenda item # 37**

1 message

**Sarah Powell** <sarah.powell@knoxmpc.org>  
To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

Mon, Jun 9, 2014 at 5:20 PM

----- Forwarded message -----

From: **Bob Thompson** <t3andp@bellsouth.net>  
Date: Mon, Jun 9, 2014 at 5:18 PM  
Subject: Comments on MPC file # 6-B-14-RZ, 6-A-14-SP -- Patrick Tracy -- June 12 agenda item # 37  
To: contact@knoxmpc.org

June 9, 2014

To MPC via email

Dear MPC Commissioners:

South Doyle Neighborhood Association, Inc., appreciates the opportunity to comment on agenda item # 37. We respectfully urge MPC to vote against any sector plan amendment or rezoning on this item.

There is simply no justification for any plan amendment or rezoning, either the Commercial status requested by Mr. Tracy or the Neighborhood Commercial status discussed as an alternative in the June 5 MPC staff report. The staff report does not cite any "substantially changed or changing conditions" which would justify any amendments, under the standard set by Section 6.30 of the Knox County Zoning Ordinance and the "Changes of Conditions Warranting Amendment of the Land Use Plan" section of the Knox County General Plan 2033. The "Changes in Government Policy" paragraph of the staff report suggests that Neighborhood Commercial might be appropriate for the site, but it is essential to note that the report still does not cite any substantial changes to justify such an amendment.

We see no information anywhere in the staff report or in any other material in the agenda package to even suggest there have been substantial changes, and we are not aware of any such information. Please note in this regard that the South County Sector Plan is relatively recent (approved by MPC in October 2012 and by County Commission only last year) and thus any substantial changes are relatively less likely to have taken place in the brief time since approval.

As a secondary point, we are unclear whether it is procedurally appropriate in cases such as this for MPC on its own initiative to develop and consider potential alternative amendments which have not even been requested by an applicant and which are not made available to the public until less than a week prior to MPC's vote. This is not to suggest that Mr. Tracy reapply for Neighborhood Commercial, since as discussed above we see no justification for any amendments or rezoning.

Thank you for considering our comments.

Robert H Thompson  
Secretary and Board Member  
South Doyle Neighborhood Association, Inc.

Home address  
8136 Jonesboro Road  
Knoxville TN 37920  
577-1560



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## Fwd: Item 37 Patrick Tracy

2 messages

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**Mark Donaldson** <mark.donaldson@knoxmpc.org> Mon, Jun 9, 2014 at 7:55 AM  
To: Buz Johnson <Buz.Johnson@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>

----- Forwarded message -----

From: **Dailey, Carson** <cdailey@applied.com>  
Date: Mon, Jun 9, 2014 at 6:23 AM  
Subject: Item 37 Patrick Tracy  
To: "contact@knoxmpc.org" <contact@knoxmpc.org>  
Cc: "mark.donaldson@knoxmpc.org" <mark.donaldson@knoxmpc.org>

MPC Staff,

Under the heading History of zoning request, please added following information.

1990 owner asked for commercial zone denied.

2005 owner ask for sector plan from LDR to CA. Zoning from LDR and RB to CA denied 15-0

2005 owner appealed to county commission denied.

Than k you.

Carson Dailey

Sr. Account Manager

Applied Industrial Technologies

Knoxville Tn 37920

865-660-0019

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**Sarah Powell** <sarah.powell@knoxmpc.org>  
To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

Mon, Jun 9, 2014 at 8:05 AM

[Quoted text hidden]

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**re: item #37, 6-A-14-SP (Sector Plan Change) & 6-B-14-RZ (Rezoning)**

2 messages

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**Victoria DeFreese** <victorialynndefreese@hotmail.com> Mon, Jun 9, 2014 at 2:54 PM  
To: "contact@knoxmpc.org" <contact@knoxmpc.org>, "Mark.donaldson@knoxmpc.org" <mark.donaldson@knoxmpc.org>, "herb@claibornehauling.com" <herb@claibornehauling.com>, "bartcarey@comcast.net" <bartcarey@comcast.net>, "artclancy3@gmail.com" <artclancy3@gmail.com>, "llcole712@gmail.com" <llcole712@gmail.com>, "eason.mpc@gmail.com" <eason.mpc@gmail.com>, "mgoodwin.mpc@gmail.com" <mgoodwin.mpc@gmail.com>, "jtocher.mpc@gmail.com" <jtocher.mpc@gmail.com>, "wstowers@stowerscat.com" <wstowers@stowerscat.com>, "jwroth@qmwkx.com" <jwroth@qmwkx.com>, "brianpierce@mbiarch.com" <brianpierce@mbiarch.com>, "rebeccalongmire@hotmail.com" <rebeccalongmire@hotmail.com>, "cflomax@hotmail.com" <cflomax@hotmail.com>, "makane1@bellsouth.net" <makane1@bellsouth.net>, "bettyjo.mahan@knoxmpc.org" <bettyjo.mahan@knoxmpc.org>, "buzz.johnson@knoxmpc.org" <buzz.johnson@knoxmpc.org>, "dan.kelly@knoxmpc.org" <dan.kelly@knoxmpc.org>, "tim.burchett@knoxcounty.org" <tim.burchett@knoxcounty.org>, "county.mayor@knoxcounty.org" <county.mayor@knoxcounty.org>, Mike Brown <brownm55@comcast.net>

Victoria DeFreese

2921 Tipton Station Road

Knoxville, TN 37920

June 9, 2014

Re: 6-A-14-SP (Sector Plan Change) & 6-B-14-RZ (Rezoning)

Dear MPC Knox County Commissioners:

I urge you to DENY the requests for the upcoming item #37 for the applicant Patrick Tracy on MPC's agenda for the meeting Thursday, June 12, 2014 at 1:30pm in the Knoxville City County Building.

As a resident of the surrounding area which is aptly described as rural and low density residential, I would like to ask for you to DENY this application for both the sector plan change and the rezoning. First, you must address the Sector Plan which was just adopted in 2012 for this area of South Knoxville.

Four kinds of substantial changes are specified in the Knox County General Plan 2033 to permit consideration of a Sector Plan Change, none of which exist near this property:

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

**There has been NO CHANGE in the area to substantiate such a change since 2012.**

**Therefore, there is no reason to consider a rezoning at this location.**

In my opinion, Knox County has been at fault for allowing permits and not enforcing codes and regulations. Patrick Tracy has been operating a car service business at the intersection of Topside Road and Maryville Pike, but such a business is illegal at this site. **This land is zoned to allow only residential and agricultural uses.**

Why would MPC staff actually recommend CN and RA zones to give this applicant (WHO HAS BEEN OPERATING ILLEGALLY ON THIS PROPERTY) "a reasonable use of the property?" To me, a reasonable use of the property would be "residential and agricultural use" as currently designated as it was the day he acquired the property. And this language embedded in this agenda packet sounds sickening: "to minimize the impact to adjacent residential property owners?" Patrick Tracy has appeared to flippantly ignore his impact on law abiding neighbors for YEARS! SHUT DOWN ILLEGAL BUSINESS ACTIVITY AND DENY THIS REQUEST.

Codes and laws should provide and protect us all by their guidelines. Knox County breeds trouble when they appear to provide loopholes and back doors for land purchasers who ignore the slated zoning laws of the property they acquire. These speculators purchase cheap land, get granted inappropriate permits for the land, pay fines given by pesky codes enforcement after stalling as much as they can, abuse designated use for the land, and later change sector plans and zoning to accommodate their initial and carried out intentions for the years they waited on the land! These tactics erode everyone's confidence in our process and could quite possibly leave Knox County vulnerable to a class action lawsuit.

Sincerely,

Victoria DeFreese

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**Mark Donaldson** <mark.donaldson@knoxmpc.org> Mon, Jun 9, 2014 at 3:00 PM  
To: Buz Johnson <Buz.Johnson@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>

[Quoted text hidden]



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**Fwd: Item 37 on agenda**

1 message

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**Sarah Powell** <sarah.powell@knoxmpc.org>  
To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

Tue, Jun 10, 2014 at 8:17 AM

----- Forwarded message -----

From: <amkpf423@aol.com>  
Date: Mon, Jun 9, 2014 at 10:05 PM  
Subject: Re:Item 37 on agenda  
To: contact@knoxmpc.org

Please vote against item #37 on the June 12th agenda meeting about Patrick Tracy.

Patrick Tracy with his illegal car service business for 14 years is asking for a sector plan change and rezoning to commercial. Mr. Tracy and this property has been denied commercial in 1990 and 2005. Both times denied by MPC and county commission. There has been over 13 violations with 1 ongoing with the order from Knox county codes to stop all work which is being ignored.

A sector plan change is important to the community because the zoning goes with the land not the owner. MPC is recommending denial of commercial which has been in the past. MPC staff has taken it upon themselves to recommend a sector plan change in NC neighborhood commercial. Under a NC zone the land owner no matter who may have many business options including drugs and medicine (pain clinics), newsstands/bookstores (adult also), video store (adult), equipment rental and service (loud noise and unsightly), among other types also. **THIS WILL COME WITH A ZONING CHANGE.**

**Thanks for your consideration.**

**Sincerely,  
Sara Dyer  
Howard Taylor**

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**Fwd:**

1 message

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**Sarah Powell** <sarah.powell@knoxmpc.org>  
To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

Mon, Jun 9, 2014 at 8:03 AM

----- Forwarded message -----

From: **Carolyn Jones** <cfbsuj@yahoo.com>  
Date: Sat, Jun 7, 2014 at 11:00 AM  
Subject:  
To: "contact@knoxmpc.org" <contact@knoxmpc.org>

Please deny Item 37 Patrick Tracy sector plan change and rezoning. There should be no reward for persistent violators of existing zoning and code regulations. I recently wrote the following letter to Roy Braden.

Carolyn Jones  
1827 W Gov John Sevier Hwy  
Knoxville, TN 37920

Roy Braden  
Director  
Knox County Code Administration  
400 Main Street, Suite 547  
Knoxville, TN 37902

**Re: 1765 W Governor John Sevier Hwy, Dixon Fabrication**

Dear Mr. Braden,

In 2006, following the death of my husband, I moved to beautiful East Tennessee. I had no choice...my only child Chris was dying of cancer here, and I came here to provide him with as much comfort, companionship and support as I could. The perfect home for us I found on West Governor John Sevier Highway, the surrounding trees, wild flowers and a creek providing spiritual healing for Chris...and me. Sadly, I lost him in 2010. Before that, though, the peaceful haven of my new home was forever, it seems, marred by the emergence of prefab buildings, onset of bulldozed trees, a mud-clogged creek, the sounds of large garage doors opening for the work of the day on the myriad of cars, trucks, boats, and RVs that awaited their turn in front, back and

sides of the buildings.

From the beginning I protested to whatever authorities I could find that this wasn't supposed to happen on land zoned Residential/Agricultural. I have testified twice before Knox County Commissioners as the owners brought forward one loophole after another to continue their commercial endeavors on the site across the creek from me. A week or so after my first testimony I came home to find all of my 20+ driveway lights seemingly kicked down the hill. After the second, on one of the he coldest days of the year, I went out to find all the windows and sun-roof on my car open. I couldn't help wondering if there was a connection....

Most recently, in December, Commissioners denied their claim that this was a home business, and 30 days later I began to see signs of the business shutting down. Some junk was carted away, the four large fence samples and their business sign removed down at the highway, and for a couple of weeks the garage doors remained closed. A For Sale by Owner sign was put out, and it seemed that The Little People like Me could in fact have the peace inherent in neighbors abiding by The Law.

Gradually, though, as if secretively, on the weekends, business resumed over there until now activity is almost constant. The sign is back and business is back with all its unsightliness and noise as if Knox County Commissioners,, Codes and Zoning have no authority to enforce their own rules.

So, now, after all this, it seems to me that private citizens do not have the rights to peace and quiet and beauty in Knox County. I am disappointed and will soon move on, leaving this blight on Governor John Sevier Highway intact.

Thank you for reading my letter.

Sincerely yours,

Carolyn Jones



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## Fwd: MPC

1 message

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**Sarah Powell** <sarah.powell@knoxmpc.org>  
To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

Mon, Jun 9, 2014 at 8:02 AM

----- Forwarded message -----

From: **Ray Millsaps** <remillsaps@bellsouth.net>  
Date: Sat, Jun 7, 2014 at 8:52 AM  
Subject: MPC  
To: "contact@knoxmpc.org" <contact@knoxmpc.org>  
Cc: Carson Dailey <carsondailey@hotmail.com>

Please vote no for Item 37 Patrick Tracey on the MPC agenda. I do not understand how someone can violate zoning for such a long period of time.

Thanks,  
Ray Millsaps

Sent from my iPad

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**re: item #37, 6-A-14-SP (Sector Plan Change) & 6-B-14-RZ (Rezoning)**

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**Scott Ballard** <scottysir@gmail.com>

Mon, Jun 9, 2014 at 4:29 PM

To: Victoria DeFreese &lt;victorialynndefreese@hotmail.com&gt;

Cc: "contact@knoxmpc.org" <contact@knoxmpc.org>, "Mark.donaldson@knoxmpc.org" <mark.donaldson@knoxmpc.org>, "herb@claibornehauling.com" <herb@claibornehauling.com>, "bartcarey@comcast.net" <bartcarey@comcast.net>, "artclancy3@gmail.com" <artclancy3@gmail.com>, "llcole712@gmail.com" <llcole712@gmail.com>, "eason.mpc@gmail.com" <eason.mpc@gmail.com>, "mgoodwin.mpc@gmail.com" <mgoodwin.mpc@gmail.com>, "jtocher.mpc@gmail.com" <jtocher.mpc@gmail.com>, "wstowers@stowerscat.com" <wstowers@stowerscat.com>, "jwroth@qmwkx.com" <jwroth@qmwkx.com>, "brianpierce@mbiarch.com" <brianpierce@mbiarch.com>, "rebeccalongmire@hotmail.com" <rebeccalongmire@hotmail.com>, "cflomax@hotmail.com" <cflomax@hotmail.com>, "makane1@bellsouth.net" <makane1@bellsouth.net>, "bettyjo.mahan@knoxmpc.org" <bettyjo.mahan@knoxmpc.org>, "buzz.johnson@knoxmpc.org" <buzz.johnson@knoxmpc.org>, "dan.kelly@knoxmpc.org" <dan.kelly@knoxmpc.org>, "tim.burchett@knoxcounty.org" <tim.burchett@knoxcounty.org>, "county.mayor@knoxcounty.org" <county.mayor@knoxcounty.org>, Mike Brown <brownm55@comcast.net>

Dear MPC &amp; Knox County Commissioners:

I concur 100% with Ms. Defreese's comments. Please add me as part of the opposition to the proposal referenced above.

Thank you,

Scott A. Ballard

Sent from my iPhone

[Quoted text hidden]

6-B-14-RZ\_6-A-14-SP-cor-Traylor



Dear Commission,

Item 37 on the agenda.

Being a new resident to Topside Road and just learning that a rezoning from residential to commercial is a bad ideal for all except the owner Mr. Patrick Tracy. Not sure that we all understand what a rezoning from LDR to CA can do to the neighborhood. Seems to me that a LDR or RB zone is more in line with the neighborhood. Not sure yet about the NC but do not like the notion that a business that create large traffic volume, noise, and unsightly storage can good for the neighborhood.

Thank you.

Joe Traylor

3230 Topside Road

Knoxville Tn 37920

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**Fwd: Sector Plan Change or Rezoning**

2 messages

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**Mark Donaldson** <mark.donaldson@knoxmpc.org> Mon, Jun 9, 2014 at 7:55 AM  
To: Buz Johnson <Buz.Johnson@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>

----- Forwarded message -----

From: <altuinman@comcast.net>  
Date: Mon, Jun 9, 2014 at 12:22 AM  
Subject: Sector Plan Change or Rezoning  
To: contact@knoxmpc.org, mark.donaldson@knoxmpc.org

Sirs,

Please note that both my wife and I strongly oppose the proposed sector plan change and rezoning at the corner of Maryville Pike and Topside Road to 'Commercial' or to 'Neighborhood Commercial'.

The property in question resides along a stretch of Maryville Pike which is currently almost exclusively low density residential housing and agricultural. Opening up a large plot to NC use (establishment of shops etc.) will likely set a precedent for similar development going south on Maryville Pike, and forever alter the rural nature of that part of South Knox County.

I urge you to reject the applications for sector plan change and/or rezoning.

Thank you for your attention.  
Al Tuinman

Albert and Suoma Tuinman  
7328 Wildwood Court  
Knoxville, TN 37920

Tel 865 573 3414

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**Sarah Powell** <sarah.powell@knoxmpc.org> Mon, Jun 9, 2014 at 8:04 AM  
To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

[Quoted text hidden]

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**Fwd: #37 South Sector Plan Change to be Heard on Thursday**

1 message

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**Sarah Powell** <sarah.powell@knoxmpc.org>  
To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

Tue, Jun 10, 2014 at 8:16 AM

----- Forwarded message -----

From: **Elaine Walker** <ebwalker66@comcast.net>  
Date: Mon, Jun 9, 2014 at 9:21 PM  
Subject: #37 South Sector Plan Change to be Heard on Thursday  
To: contact@knoxmpc.org

Elaine Walker

3127 Topside Road

Knoxville, TN 37920

Dear MPC Commissioners,

I respectfully ask that you DENY the sector plan change and rezoning application to commercial for the Patrick Tracy property which is #37 on the MPC agenda for Thursday, June 12.

The Topside Road community is an agricultural, rural, and low density area, and a commercial zoning is not desired or warranted. The issue is even more personal because the property is visible from my home, a home with acreage that was purchased because of its rural, low density nature.

As I have been researching, several additional concerns have been highlighted.

1. Patrick Tracy signed a building permit (#56294) in early 2000 agreeing that this would be a residential property and would not be used commercially.
2. Since 2001, there have been numerous complaints and documented violations of an illegal automobile service center on this property.
3. The South County Sector Plan was only recently approved, first by MPC in October 2012 and then by County Commission last year. It seems highly unlikely that any substantial changes have occurred that would warrant amending the plan in such a short amount of time as outlined in Section 6.30 of the Knox County Zoning Ordinance and the "Changes of Conditions Warranting Amendment of the Land Use Plan" section of the Knox County General Plan 2033.



Please protect our agricultural, rural, and low density area by denying a sector plan change and rezoning.

Sincerely,

Elaine Walker



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## Fwd: MPC Agenda Item #37

1 message

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**Sarah Powell** <sarah.powell@knoxmpc.org>  
To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

Tue, Jun 10, 2014 at 8:18 AM

----- Forwarded message -----

From: **Gail Wood** <gmwood03@bellsouth.net>  
Date: Tue, Jun 10, 2014 at 1:00 AM  
Subject: MPC Agenda Item #37  
To: contact@knoxmpc.org

TO: MPC Commissioners

RE: ITEM #37

6-A-14-SP and 6-B-14-RZ

3106 Topside Road/Tracy Property

Dear MPC Commissioners:

I am asking you to please deny the request to change the S.Sector Plan and Zoning for the above Item #37.

Mr. Patrick Tracy is requesting a change to the S.Sector Plan for his property from 'LDR' to 'CA'. The Sector Plan is a document that represents thought, research, an understanding of a community's need for growth and a sensitivity to the impact of that growth. It has credibility. The current Sector Plan was approved by MPC in 2012, by County Commission last year. All the planning represented in the Sector Plan is fairly current, no big shifts that would suggest a need to actually change the current plan. Mr. Tracy made this same request – to change his property from 'LDR' to 'CA' – in 2005 & 2009, and was denied by MPC. I honestly do not believe there has been a significant difference in circumstances that would justify a change to the Sector Plan.

In addition, Topside Road, busy with traffic from Alcoa Highway, has retained its rural feel with curves, fields and woods, barns and horses. It feels inappropriate to "cherry pick" a piece of this rural environment and make it commercial. There already exists appropriate places in the area for commercial development. There are empty properties that need a life and we should be working to recycle those properties. We don't have to blaze new ground for commercial development in established neighborhoods, with old growth trees.

For these reasons, I am sincerely asking you to please deny any change to the S.Sector Plan and zoning, requested by Agenda Item #37.

Sincerely,

Gail Wood

3233 Topside Road

Knoxville, TN 37920