

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

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

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

Thank you

Robert H. Thompson

May 14, 2009

Submittal to Knox TN Metropolitan Planning Commission

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

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

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

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

Logical Extension justification:

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

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

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

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

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

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

An extension of the MDR would not be logical.

Error or Omission in Current Plan

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

Changes in Conditions

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

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

Conclusion

The proposed amendment does not meet standards for approval.

Thank you

Robert H. Thompson

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