

Knoxville, TN

April 2, 2010

Dear Mr. Brusseau

Recently, I was made aware of a letter to you being circulated door to door by a Mr. Andy Keeler of Heins Road. This letter was relative to my request for a change in use on Property ID 0580A049.01, located at the corner of Cedar Lane and Heinz Road. This letter will address point by point the issues raised in Mr. Keeler's letter. For clarity, the first sentence of each of the following paragraphs will identify the issue raised by Mr. Keeler in his letter followed by my rebuttal.

Mr. Keeler states, "all properties east of Inskip Road are single family dwellings . this holds true almost all the way to the Broadway area". This is not correct. While the dwelling may be currently occupied by a single family, the first two properties on the east side of Inskip Road toward Broadway are zoned R2; there being only one house between these properties and our property at 1500 Cedar Lane for which we are requesting rezoning from R1 to R2. A duplex is directly across the street from 1500 Cedar Lane, which is acceptable for R1 but certainly is not a single-family dwelling. Also, approximately ½ mile east of the property toward Broadway on Cedar Lane is a large apartment complex. According to a Cedar Lane neighbor, four of the first eight homes east of the Inskip/Cedar Lane intersection are rented plus one is for sale. As to the original aged cedar trees, there are no cedar trees of any size on our property.

"Heinz Road is a narrow poorly maintained connector street . heavily used as a alternate traffic route by commuters avoiding the bigger, traffic lighted intersection at Inskip/Cedar Lane." While this may have been the case in the past, the upgrades and modifications that have been made to the Inskip/Cedar Lane intersection have made the use of Heinz Road more burdensome than using the modified intersection and traffic flow at rush hour is not significantly heavier than normal on Heinz Road. The zoning that we have requested is not for apartments as suggested in Mr. Keeler's letter. Condos can be constructed with the R2 zoning but not the 50 units suggested by Mr. Keeler on 1.8 acres. That being said, our intent for the rezoning is to pursue the development of a senior living facility similar to the assisted living on Parkdale where my mother once resided. The property is idea for this use because the bus route stops at the corner of Cedar Lane and Heinz Road location.

"I'm pretty certain that the natural drainage of the area would be adversely affected possibly damaging adjoining property." The natural drainage of the area was already impacted by the modification to the Inskip/Cedar Lane intersection. During the procurement of right ways and property prior to modification, I had the same concern about how the drainage flow would be managed. I did not accept the offer from property procurement office until I met with the project engineer and another official at the property to discuss the water drainage issue and its impact on future development of the property. We discussed at length the water drainage issue and its

impact on future development of the property. We discussed at length the water drainage issue and looked at the plans for the intersection modification. I told them that if there was "going to be a drainage issue with the proposed modification that would impact the development of the property then they needed to purchase the entire lot." The project engineer told me that modifications to our property, including addition of fill dirt and drainage ditches, could be made that would permit control of the water and divert water flow to east side of the lot to permit future construction. In fact, he subsequently looked at the project and indicated "that they would move the drain on Cedar Lane to the east side of my lot if I would pay \$8000." I asked him if it would be possible for us to construct our own drainage ditch parallel with Cedar Lane to manage the water flow to allow future construction on the lot. He indicated that I would be able to do so as long as the discharge of water exiting our lot was not moved.

"There is a utility easement that backs up to my property." The utility easement is not in contact with 1500 Cedar Lane, the property being considered for rezoning. To access the utility easement from our property, one would have to travel either through Mr. Keeler property or someone else's property that adjoins the easement. According to Mark in your office, the "paper" easement runs all the way from Mr. Keeler's property to Montrose Street.

"Needless to say, but an apartment complex, with additional traffic, a parking lot filled with slamming doors, and commotion at all hours." We are not requesting zoning to permit the construction of an apartment complex. In fact, if we are to achieve our intended use as a senior home, then a quiet neighborhood with bus access afforded by this property is preferable for us.

Ten years ago, we purchased two lots from the Pettys with the intent to one day develop a senior home at this location. My son is a doctor at Parkwest Hospital and my sister-in-law (one of the property owners) is a registered nurse with 38 years of geriatric care experience. We know that there is a need for this type of facility and this property is ideal for this application.

Your support for this rezoning is requested. I plan to call you to discuss this matter and answer any questions that you may have.

Thank you,
Randall DeVault
7213 West Chermont Circle 922-1776

(Spokesperson for Betty DeVault, and Steve and Kathy Thomas)