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Via email only to: commission@knoxmpc.org

MPC Commissioners

Knoxville-Knox County MPC
Suite 403, City County Building
400 Main Street
Knoxville, Tennessee 37902

Re: Agenda Item # 30
Partners V, LLC

Dear Commissioners:

The undersigned is representing the applicant on the above Use on Review which will be before you on Thursday.

This is an application for a grading plan for property which is partially zoned Commercial, partially zoned Residential, along Lovell Road at its intersection with Yarnell Road.

The conditions of the staff report are fine with the exception of condition No. 4.

Condition No. 4 would require the applicant to add a sidewalk connection between the Lovell Crossing Apartments and the sidewalk along the Weigel's site. The Weigel's site fronts Lovell Road and has an access onto Yarnell Road. The sidewalk being required would be across Yarnell Road from the property under consideration at this time. The requirement would be a 7' wide sidewalk with connection to Weigel's and the apartments. None of the sidewalk required by condition No. 4 adjoins the Partners V property.

Constructing the sidewalk would require encroachment onto the Lovell Crossing Apartments, which are not owned by Partners V. This has been confirmed by the owner of the Lovell Crossing Apartments. The apartments are owned by Lovell Crossing Apartments, LLC.

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Although there may be some common ownership between the two, nonetheless they are separate legal entities. This becomes important because construction of the sidewalk recommended by MPC staff would involve encroachment onto the Lovell Crossing Apartments property. That Lovell Apartments Crossing property is subject to a regulatory agreement from the U.S. Department of Housing and Urban Development and is subject to the requirements of the National Housing Act.

Amongst other things in the controlling documents, prior written approval of HUD is required before:

“Remodel, add to, subtract from, construct, reconstruct or demolish any part of the Mortgaged Property [the Mortgaged Property includes all of the real estate], except as required by HUD under Section 19(c) and except that Borrower may, without the prior written approval of HUD, dispose of obsolete or deteriorated Fixtures or Personalty if the same are replaced with like items of the same or greater quality or value and make minor alterations that do not impair the security.”

Obviously MPC staff and Partners V have no control over the approval required by HUD.

We therefore respectfully request that condition No. 4 be removed from the approval of this Use on Review.

If you have any questions about this, please contact me, or we will be at the meeting on Thursday.

Very truly yours,


Arthur G. Seymour, Jr.

FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:lbb