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August 26, 2025

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Sevierville Planning Commission
120 Gary Wade Blvd.
Sevierville, TN 37862

Re: Sevierville's Authority to Deny DR. Horton's Rezoning Request

Honorable Mayor and Aldermen and Planning Commissioners:

I write on behalf of concerned residents of Sevierville in strong opposition to the proposed rezoning and Master Planned Development submitted by D.R. Horton for the Red Bank Road property. Two points are particularly important to clarify before your upcoming votes:

1. You are not required to approve this rezoning.

Rezoning is a legislative decision, not an administrative act. The Sevierville Zoning Ordinance itself states that zoning regulations are enacted "for the purpose of promoting the health, safety, morals, and the general welfare of the community." That charge gives you broad discretion to decide whether this rezoning serves the community's welfare.

There is no legal doctrine obligating the City to rezone simply because an application was submitted. To the contrary, Tennessee courts have consistently upheld that rezonings are discretionary and may be denied based on public opposition, infrastructure concerns, or the City's judgment about the highest and best use of its land. The fact that the applicant has prepared a Master Plan does not diminish the City's authority to say "no." *See e.g., Cunningham v. Bedford County*, No. M2017-01373-COA-R3-CV, 2018 WL 5435401 (Tenn. Ct. App. 2018) (approving denial of rezoning based solely on public opposition).

2. You should not fear a “less favorable” development if the Master Plan is denied.

Sometimes developers imply that denial of a Master Plan will lead to a haphazard development under base zoning. These kinds of threats present a false choice. The Sevierville Zoning Ordinance prevents any development—rezoned or not—from moving forward without adequate public services.

- **Utilities:** The City’s own engineer, Barge Design Solutions, concluded that the water system in this area cannot serve the proposed development. Their memorandum states:

“During peak demands, the model results showed the pressure at the tie-in location dropping significantly below acceptable levels, reaching negative values (e.g., -118 psi)... Therefore, the current system does not have the capacity to satisfy TDEC guidelines for peak hour/peak day demands.”

If a rezoning is denied, Horton cannot simply turn around and build hundreds of homes under existing zoning, because the water and fire flow requirements are not met.

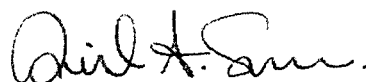
- **Transportation:** The traffic study likewise confirms that even with signals added, “the level of service at a majority of the unsignalized intersections is expected to further deteriorate” with development-generated traffic, and several movements are projected to operate at **LOS F**. Under the Subdivision Regulations and the Zoning Ordinance, development cannot be approved if it would overload inadequate roads.

In short, the idea that the developer could simply build “something worse” without approval of the Master Plan is unfounded. Sevierville’s ordinances provide safeguards to prevent that outcome.

Conclusion

The Planning Commission and BOMA have full legal authority and discretion to deny this rezoning request based on community opposition, inadequate utilities, failing traffic conditions, and the premature use of the City’s limited land resources. You should not be intimidated by threats of less favorable development. The law is on your side, and your first duty is to the welfare of the City and its residents.

Very truly yours,



Daniel A. Sanders

cc: Clients