

WESLEY DEVELOPMENT CORPORATION

RONALD C. FRYE
CHAIRMAN AND CHIEF EXECUTIVE OFFICER

April 30, 2007



Mr. Ken Pruitt
MPC
Suite 403
Main Street
Knoxville, TN 37902

IN RE: Barge Waggoner Sumner & Cannon
Application # 4-P-07-RZ - # 4-F-07-SP

Dear Ken:

This letter is to confirm my conversation with you Friday, April 27, 2007.

Wesley Development offers the following response to MPC's staff comment letter

The application submitted by Barge Waggoner on March 5, 2007 requested a rezoning from RA to PR. It listed a density of 6.52 pursuant to the initial concept plan which was submitted along with the application. We expected to lose 2 units, (14&18) perhaps 3 during final design which would result in a density of 6du/ac. This is the density we are seeking, not 7, as listed on the comment letter. This is the same density we have requested and received over the past ten years on PR applications for condominium developments. Enclosed is a list of these developments, plus several others that were approved for 6du/ac or more, all located near the Fox Lonas project.

When I handed the application and site layout plan to Dan Kelly, he asked me the density and I responded 6.52. What I failed to say was "per our concept plan," so quite naturally he must have assumed that this was our rezoning request leading him to say that we would have to file a plan amendment. He then proceeded to mark that box on the application and fill in the necessary information. A check for \$665.00 had already been written for the rezoning fee application. A second check for the plan amendment was delivered the following Monday. Subsequently, the density 6.52 listed on the application was rounded up to 7 by MPC.

Regarding MPC's comment letter, a couple of points noteworthy of mention:

1) Paragraph C, Conformity to the General Plan, Sect. 1. "This request is contrary to the goal of protecting single family development from incompatible, more intense land use."

Fox Lake Condominiums/Apartments are located only about 300 feet to the west of our site. It consists of 350 units, sitting on approximately 15 acres, 5 of which are a lake.

2) Paragraph B, "The site is situated on a hazardous section of Fox Lonas road."

A review of a map of the 8700 block of Gleason Rd, between our Madison Square development and Brookshire Commons, is a section of road arguably more hazardous than the section referenced on Fox Lonas west of our proposed development. Brookshire Commons has a density of 10 units per acre and Madison Square 6 per acre without any major traffic problems on that section of road.

Sincerely,

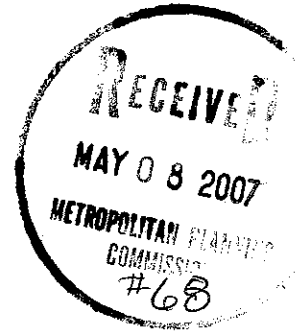
A handwritten signature in black ink that reads "Ron Frye". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Ronald C. Frye

	<u>Units</u>	<u>Acres</u>	<u>APPROVED Density-du/ac</u>
Anderson Ridge * 8741 Gleason Rd	59	10.3	6
Cleveland Park 7700 Dean Hill Dr	28	4.7	6
Madison Square * 8700 Gleason Rd	27	4.6	6
Windtree Oaks * John Sevier Hwy	32	5.3	6
Brookshire Commons 8700 Gleason Rd	72	7.4	10
Creston Court 8400 Old Middlebrook Pk	32	4.3	7.5
Fox Lonas *	27	5.4	5 Recommended

May 7, 2007

To: Metropolitan Planning Commission
RE: May 10, 2007 Agenda item #68 (4-F-07-SP, 4-P-07-RZ)



My name is Karen Raske. My property is located at 833 Dorset Drive and it backs to the development under review. I have lived and paid taxes on my home for over 10 years. I appreciate Mr. Frye's (Wesley Development) good faith opportunity to review his condominium plans. However, being a normal homeowner who does not understand all the nuances of the development process, I wanted to ensure my concerns, which affect not only me and my immediate neighbors but also for my neighbors not directly surrounding this property, were identified to the Metropolitan Planning Commission.

I respect and support the staff recommendation of changing the zoning to PR and maintaining the existing low density residential zoning. I believe that any development MPC approves should mimic the immediate neighborhood. My concerns are as follows:

1. My greatest concern is in regards to the existing natural sinkhole and detention basin and channel used to drain storm water. I feel strongly that this should not be modified. This natural storm drainage has been removing water from the neighborhood since the early 1960's. I am not overly anxious by the flooding that occurs on my property during rainstorms because I know the detention basin works and the water moves quickly and it has never entered my house. If any changes are made to this sinkhole/basin, I would be concerned not only with the homes directly surrounded the property but the homes, schools, churches, and businesses in the Cedar Bluff/Dutchtown areas (which already have experience flooding issues). To what I understand, the storm engineers have been able to identify a complex network of natural underground streams and basins that interconnect this area of Knox County. I believe this might be an "environmentally sensitive" area. Due to the strict draining ordinances, the developer would have to work with multitudes of entities and agencies to ensure integrity of the storm drainage system is maintained. If the existing water flow was redirected – *where would it be redirected? What is the plan?* We have heard that the current drainage would be diverted to the creek on the other side of Fox Lonas ending at the property across from the Catholic School on Cedar Bluff. *If water is redirected what is the direct result to other areas that already have flooding issues? Would this add additional overflow to the area outside of the Cedar Bluff post office and retirement center? Will the communities in those areas be notified if storm drainage is going to be rerouted? Will the 50ft easement surrounding the natural water detention site be maintained?*
2. Sinkholes- restrict any grading within the area of the sinkholes at the bottom of the detention basin I would not want developer to inadvertently turn the sinkhole into a sedimentary pool That would interfere with the existing flow of water potentially causing a pond or other issues because of poor drainage.
3. Would the natural basin need to be enlarged or an additional detention basin be developed to respond in the increase of water drainage caused by the new development?

Additional concerns:

1. There is currently a 35ft easement for this subdivision area. Looking at the unapproved plan, the "squares" (footprint of building) appear to be 5ft away from my property line. Mr. Frye has said that his dwellings would be 15ft from our property line.
2. The storm drain is located on my property. We have been advised from the developer that they would like to increase the size of the storm drain. The drain is not the issue- the

issue is the changing of the detention basin (see #1 above) I would prefer to not have digging in my yard.

3. Traffic- visibility will be dangerous for the families turning onto Fox Lonas from the new condominium development. How will the developer enhance the entrance to allow for a clear view of both ways of traffic?
4. New residents will take shortcuts through the existing neighborhood. There will be larger increase in traffic with builder's proposal for med density as opposed to MPC staff recommendation of low density. Roderick would probably be the street most affected. Currently, there are no speedhumps on Roderick.
5. The property in question is surrounded on all sides by existing single family dwellings. It would be preferable to maintain the single family detached home (2-story).

Thank you for your time and patience

Karen Raske

833 Dorset Drive
Knoxville, TN 37923
(865) 342-5133 (wk)
(865) 924-8077 (hm)
email: kraske@edfinancial.com

716 W. Meadecrest Dr.
Knoxville, TN 37923
May 6, 2007



Metropolitan Planning Commission
Attn: Buz Johnson, Assistant Director
City County Building
400 Main Street, Room 403
Knoxville, TN 37902

RE: #⁶28 -- Barge Waggoner Sumner & Cannon Engineers Architects & Planners

Dear Mr. Johnson:

We are writing this letter with concerns about the Wesley Development Project at Fox Lonas and West Meadecrest, District 5. Due to our work hours we are unable to be at the meeting on Thursday, May 10, when this project is up for discussion. This district is zoned RA and is now up for rezoning to PR. RA to PR -- 4P07-RZ.

We are concerned with several items of this project. First, the traffic caused by this project. Fox Lonas is already overloaded with traffic and the curves on this road are dangerous without more traffic. It would seem that Fox Lonas would need more lanes to carry the numerous traffic this housing will bring to the neighborhood. Second, the sink holes on this property. Drainage will be a big concern with our property next to this project. Drainage on Dorset Drive would also be a major concern. Third, the number of units being built; six units per acre would be too many and if this is granted then five units would be preferred. We do not have the problems in this area that we will be seeing if precautions are not taken with the traffic and drainage.

We have lived in this neighborhood and our home for twenty years and have had no problems. This project is coming in behind our home and we are concerned with the above-mentioned problems. Trees and a fence have been mentioned, but traffic and drainage problems will be a major problem to homeowners.

We appreciate your time and acknowledgment of our concerns.

Joey R. Fortenberry

Judy A. Fortenberry

COUNCIL OF WEST KNOX COUNTY HOMEOWNERS, INC.

Representing over 65 homeowner associations with 15,000 homeowners since 1972



- Andover Court
- Ashley Oaks
- Autumn Ridge
- Belmont West
- Benington
- Bluff Point
- Bunker Hill
- Cambridge Woods
- Carrollwood
- Cedar Grove
- Charles Town Lnd
- Chestnut Grove
- Choto Estates
- Colonics
- Crest Haven
- Crestline
- Crestwood Hills
- Dutchtown Harbor
- Eagle Glen
- Echo Valley
- Edgewater
- Farrington
- Farrington
- Forest Mill
- Foxboro
- Foxfire
- Gettysvue HOA
- Greywood Clusters
- Gulf Park Civic
- Gulfwood
- Harts Ridge
- Heritage Woods
- Hunting Ridge
- Karns Community
- Kensington I
- Kincer Farms
- Kingston Woods
- Lakeridge
- Lakewood Community
- Lennox Place
- Lovell Hills
- Lovell Road
- Lovell Woods
- Lyons Crossing HOA
- Lyons Crossing NA
- Madison Ridge
- Morgan Place
- New Kensington
- Northshore Landing
- Plantation Springs
- Rudder Lane
- Seven Oaks East
- Seven Oaks West
- Sherman Oaks
- States View
- Suburban Hills
- Tan Rara Oeste
- Toolos Bend
- Trails End
- Twin Springs
- View Harbour
- Villas at Lyons Cross
- Waterford
- Wayne Providence
- Westbrooke
- Westhampton
- Westland - West
- Westshore
- Wheaton Place

June 8, 2007

Mr. Mark Donaldson
 Executive Director
 Metropolitan Planning Commission
 Suite 403 City / County Building
 400 Main Street
 Knoxville, TN 37902

RE: 4-F-07-SP & 4-P-07-RZ BARGE WAGGONER SUMMER & CANNON MPC AGENDA # 75
 June 14, 2007

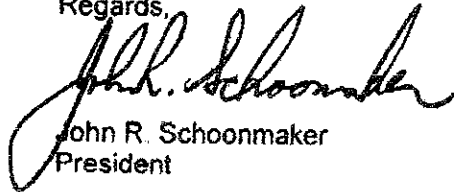
Dear Mr. Donaldson:

The Council of West Knox County Homeowners, Inc. passed a unanimous resolution to support the residents of Crestwood Hills Subdivision in opposing the rezoning for this property located on Fox Lonas Road from Low Density Residential to Medium Density Residential.

The residents are willing to accept 1 to 4 dwelling units per acre for this five acre site. We feel that the MPC should require the developer to install acceleration and deceleration lanes at the entrance to this property as well as uphold the standards of the surrounding neighborhoods and allow **only** Low Density Residential.

Therefore, we ask that you recommend to the MPC Commissioners that they deny the request from the applicant to rezone this property from RA (Low Density Residential) to MDR (Medium Density Residential).

Regards,


 John R. Schoonmaker
 President

President: John Schoonmaker 675 - 6625
 Vice President: Sue Mauer 690 - 0269
 Secretary: Chuck Fleischer 769 - 1356
 Treasurer: Jacki Cash 671 - 6797
 Parliamentarian: Edward Langston 539 - 1796

Board Members (in addition to officers):
 Linda Gildner 675 - 5341
 Charlene Porter 694 - 9629
 Debra VanMctcr 690 - 1414
 John Von Weisenstein 690 - 3944

c/o 10044 Tan Rara Drive Knoxville, TN 37922 • 4139



4-P-07-RZ
4-F-07-SP

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
WATER SUPPLY
6th Floor, 401 Church Street
Nashville, Tennessee 37243

October 25, 2006

Mr. Ron Frye
Wesley Development
P O. Box 31401
Knoxville, Tennessee 37930

RE: Class V Injection Well Permit Application Approval
Wesley Development, Knoxville, Knox County, Tennessee
UIC File: KNX 0000210

Mr. Frye:

The Division of Water Supply has reviewed your submittal of an Application for Authorization for a permit to discharge storm water runoff into a sinkhole located at the Wesley Development property located on 8934 fox Lonas Road, Knoxville, Knox County. The Division considers your application complete.

The Division agrees with your approach to using riprap, straw bales and silt fence as a means of erosion and sediment control. The Division also agrees with your proposed use of an inverted rock filter system consisting of boulders, shot rock, and stone to fill the sinkhole and the diversion of storm water from the property.

While the area is stabilized sediment and erosion control measures should be installed according to the guidelines in the Tennessee Erosion and Sediment Control Handbook. It will be necessary to install the silt fence and straw bales along the entire edge of the sinkhole and around any potential conduit that the water may use to enter the ground water prior to any construction. It should be noted that silt fences are used as temporary diversion features and generally have a life expectancy of three (3) months. The silt fence and straw bales must remain in place and in good working condition throughout the entire development of the property, and until the disturbed area has been stabilized

All straw bales shall be placed in a single row, with ends of adjacent bales tightly abutting on another. The barrier shall be entrenched and backfilled. A trench shall be excavated the width of a bale and the length of the proposed barrier to a minimum depth of four (4) inches. After the bales are staked and chinked, the excavated soil shall conform to the ground level on the down gradient side and shall be built up to four (4) inches against the up gradient side of the barrier.

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After every storm event the entire silt fence must be inspected and any needed repairs done at that time. Should any damage occur due to traffic or any other activity the fence must be repaired before the end of each workday.

Straw bale barriers shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. Necessary repairs to barriers or replacement of bales shall be accomplished promptly. Sediment deposits must be removed when the level of deposition reaches approximately one-half the height of the barrier. Any sediment deposits remaining in place after the straw bale barrier is no longer required should be dressed to conform to the existing grade prepared and seeded.

At no time can a karst feature be used as a sediment trap. All sinkholes and other karst features are to remain free from silt and protected from erosion.

This Division will require a minimum of seven- (7) working days advance notice before the construction on the karst area is to begin to allow for a witness from this Division to be present.

If at any time during the clearing or construction of the property other karst features are discovered then all work around the area is to stop. Erosion control devices straw bales and silt fence are to be placed and this Division is to be notified within twenty-four (24) hours of the discovery.

Extreme caution should be used in the filling and construction of commercial or residential properties on or in a sinkhole. A sinkhole by nature is an unstable geologic area, which has no permanent means of stabilization and is subject to times of movement and settling. This uncontrollable movement may cause some damage to any permanent structure placed on or around the karst feature. The State of Tennessee assumes no responsibility in potential consequences of building on or around filled depressions of any kind at any time.

It should be noted that the Division's review of this permit application was limited to water quality issues. The review did not include an evaluation of the property's potential to flood or of possible flooding impacts on adjacent properties due to modification of drainage patterns on karst features. The storm water management and drainage requirements of local zoning regulations should be followed.

If at any time the Division learns that a ground water discharge system may be in violation of The Tennessee Water Quality Control Act, the Division shall:

- a. Require the injector to apply for an individual permit;
- b. order the injector to take such actions including, where required, closure of the injection well as may be necessary to prevent the violation; or

Mr. Frye
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c. take enforcement action.

All groundwater discharge activities must operate in such a manner that they do not present a hazard to groundwater.

The owner/operator shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the owner/operator to achieve compliance with the conditions of this authorization. Proper operation and maintenance included effective performance, adequate funding, and appropriate quality assurance procedures. This includes monitoring of all closed karst features, and any devices designed to place fluid into the subsurface and any repair to the feature or structure in the future to ensure water quality standards are being met.

Knowingly making any false statement on any report required by the rule may result in the imposition of criminal penalties as provided in T.C.A. 69-3-115 of the Tennessee Water Quality Control Act.

The issuance of this authorization does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State, or local laws or regulations.

Please note that several counties and municipal governments have imposed stricter regulations on the use and treatment of karst features. Check with the local planning and zoning departments for these regulations. This authorization does not convey any authority over county or municipal governments that hold stricter regulations on karst features.

If the owner/operator becomes aware that he failed to submit any relevant facts in an authorization application, or submitted incorrect information in an authorization application or in any report to the Division, then he shall promptly submit such facts or information.

The owner/operator shall give notice to the Division as soon as possible of any planned physical alterations or additions to the authorized facility or activity, which may result in noncompliance with authorization requirements.

The authorization to discharge is limited to the sinkhole located at the Wesley Development property and to the development area as shown on the application. Routing of drainage to the sinkhole from any additional development in this area will require a separate application. This authorization has a fixed term not to exceed two (2) years from the date of this letter. The owner/operator is not authorized to discharge after the expiration date. In order to receive authorization to discharge beyond the expiration date, the owner/operator shall submit such information and forms as are required to the Division of Water Supply no later than 180 days prior to the expiration date.

Mr. Frye
Wesley Development
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In accordance with Underground Injection Control (UIC) Rule 1200-4-6-.14 (3) “ The owner of a Class V well shall be responsible for notifying the Department of change in ownership.” This notification must be made in writing to this Division within (30) thirty days of the change in ownership.

Also note that according to Underground Injection Control (UIC) Rule 1200-4-6-.14 (8)(d) “Upon completion of the well, the owner or operator must certify to the Department that the well has been completed in accordance with the approved construction plan, and must submit any other additional information required”. The certification must be submitted in writing to the UIC Program within (30) thirty days upon the completion/closure of the Class V well.

Our concurrence with your approach does not imply that this procedure is exempt from future changes or restrictions in the Underground Injection Control (UIC) Regulations, or any additional requirements set forth by the Division in order to protect the groundwater of Tennessee.

A copy of this authorization must be kept on site until the development has been completed and must be made available to inspection personnel.

Should you have any questions or comments please feel free to contact me at (615) 532-9224

Sincerely,



Scotty Sorrells
Geologist
UIC Program Coordinator
Division of Water Supply

c: DWS- Knoxville EFO
File

INTRODUCTION

Barge, Waggoner, Sumner & Cannon has before the Metropolitan Planning Commission an application to rezone 5.37 acres located at 8934 Fox Lonas road, 1 mile east of Cedar Bluff road. The rezoning request from RA to PR is for the development of 32 condominium town homes.

This unimproved tract of land is the only one left in Crestwood Hills. Until recently it had been in the same family for over 150 years. Crestwood Hills was built around this parcel of farm land in the late 60's and early 70's.

The application request is for 6du/ac. It is projected these units will sell in the \$250,000 dollar price range generating approximately \$55,000 in annual taxes for Knox County.

Enclosed is a list of similar developments within a mile radius of the proposed Fox Loans project, the closest being Fox Lake Condominiums 300 ft to the West, which has 350 units on 15 acres, 5 of which are a lake. Cleveland Park is approximately 2 miles away.

The owner Wesley Development has worked very closely with the Crestwood Hills Homeowners' Association in gaining their support for the proposed development. We now ask for the support of the Planning Commission in the rezoning and development of this project.

TABLE OF CONTENTS

COMPARABLE DEVELOPED PROPERTY DENSITIES

SITE LAYOUT

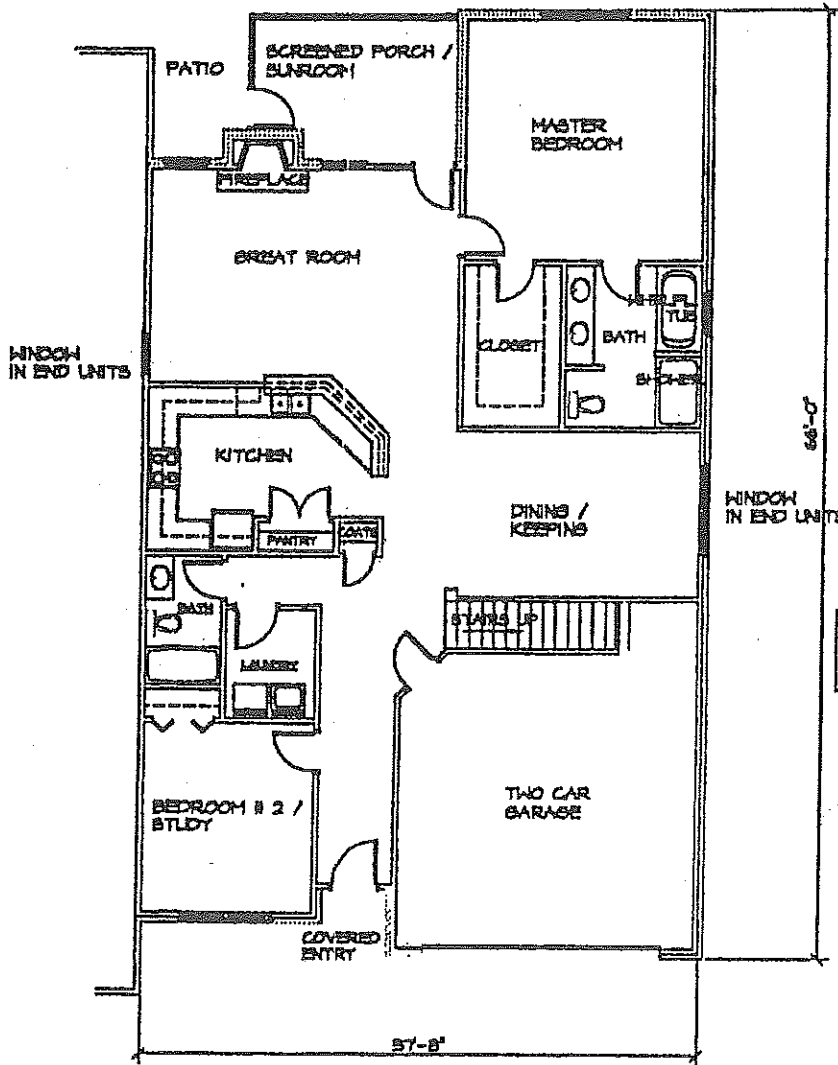
FLOOR PLAN

UNIT PICTURE

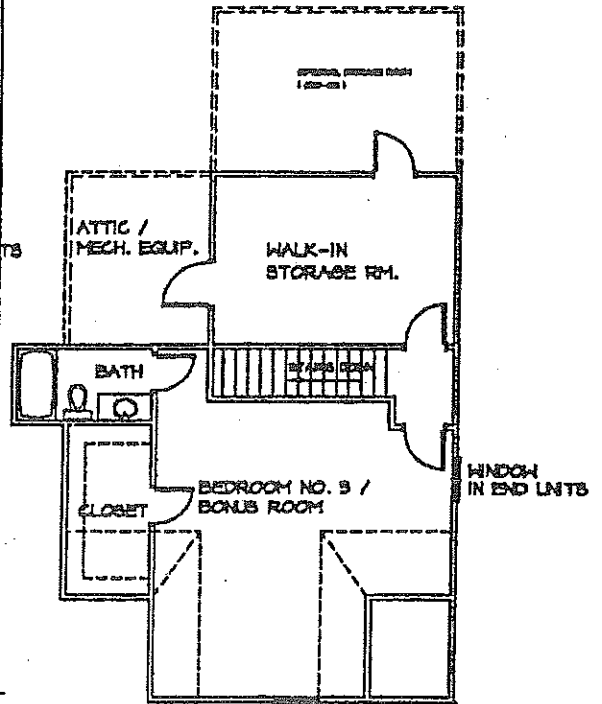
COMPARABLE DENSITIES

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Creston Court 8400 Old Middlebrook Pk	32	4.3	7.5
Fox Lonas * 8934 Fox Lonas Rd	32	5.4	6 Requested

* Same Developer



FIRST FLOOR PLAN



SECOND FLOOR PLAN

