



February 6, 2008

Dear MPC Commissioners,

This letter is regarding file #2-D-08-RZ (no. 6) on your agenda) regarding a change in zoning on a county property that has been annexed.

As a neighborhood, we would like information regarding problematic issues that occurred during the development of this property to be noted on this report. We feel this is imperative because the property still has 13 acres adjoining that is already in the city.

This tract was subdivided in 2005, the portion (18 acres) that has been annexed and is up for rezoning and the 13 acres which is zoned R-1 and has been in the city for many years.

The R-1 city portion is adjacent to our R-1 NC-1 Conservation District. Our major concern is what might happen to the city 13 acres, regarding rezoning and a possible domino effect to our base zone at a later time. We don't want our zone to be eroded, and we feel the notations we are asking for afford us some degree of protection.

The following is a list - including but not limited to - issues we are asking to be noted in the rezoning:

1) A lawsuit to block annexation of the 18 county acres was filed long before the developer ever presented a plan for development to the county. Even though MPC, County BZA, Co. Commission, and City Council (largely City portion only) heard some aspects of this development no one ever disclosed that the property was in litigation and most probably would be annexed into the city.

2) The RB existing zoning on the county portion, which allowed this condo development, was the result of a mistake, by MPC - when designations of RA and RB zoning were switched - and yet the maps were never changed to reflect the correct designation. (In other words, the correct zoning was single family residential)

3) The traffic study that was required was done in Summer, when school was not in session even though an elementary school is less than 3 blocks away. A second traffic study was required, after the neighborhood noticed the problem. The second study warranted 3 turn lanes -  
 a) a left turn lane from Tazewell Pike to Stonnondale Road  
 b) a right turn lane from Tazewell Pike to Stonnondale Road  
 c) and a deceleration lane into the development.

The city portion of development was halted and no turn lanes have ever been installed)

4) The Developer applied for a permit to fill in the wetland. The permit was withdrawn when TDEC advised that the permit would not be approved.

TDEC further advised the developer to protect the wetland. Yet, we have videotape of muddy rain water from the detention pond being pumped from the detention pond directly into the wetland.

5) When a plan to develop county and city portions passed MPC - a "different" plan was sent to city engineering to be reviewed rather than what MPC had passed. The correct plan was sent to County engineering for review. Subsequently - development on city side was withdrawn.

6) A stop work order was demanded by the neighbors, and County engineering issued it, for violation of 2000 county stormwater ordinance - Section 5.8.3 - "construction in a no-fill zone".

7) Developer sought and received (by a vote of 5 to 3) a "variance" from the Stop Work Order and allowed a road and 2 detention ponds to be constructed in a 30-ft. deep (on USGS map) sinkhole. (Note: TDEC geologist said, "Any grade-supported structure in this sinkhole will be at risk.")

8) Under duress from the neighborhood demanding applying for Flood Plain Development Permits or neighborhood would ask for a 2<sup>nd</sup> stop work order - the applications and permits were issued and 23 (over 1/4) of cords needed a Flood Plain Development Permit.

9) The Engineer on the project obtained street names

and addresses from MPC (while the stop work order was still in place) without a review process being in progress by MPC staff.

10) Law Director declared a deed filed in Register of Deeds office invalid due to inadequate information - no stamp by the engineer as required by law)

11) A "new" deed was registered with the necessary stamps.

12) Dan Kelly of MPC, advised the engineer that the property "probably would not meet the criteria for an exempt plat."

13) The engineer then requested "MPC staff to cease the review process and refund fees submitted for Administrative Plat review."

4) The developer hired an attorney, Arthur Szymon, who told County BZA "the property was being developed under the Horizontal Property Regime and was not subject to MPC review" (2005)

(To date - Feb 6, 2008 - no papers regarding Horizontal Property Regime have ever been filed on this property in the register of deeds office)

15) As of Feb 6, 2008 there have been at least 4 Notices of Violation issued on this development - one of which concerned "grading of City Property without a permit."

(We want to include all information and notices of violation to be a part of this record) (I will have to add this information later - due to illness)

16) The neighbors also have video tape documenting several pollution violations on this project

17) Other issues may need to be added before rezoning is approved at City Council.

From the beginning - all the neighborhood asked for:

- 1) Don't fill in the wetland, but protect it
- 2) Install all mandated turn lanes from Traffic Study
- 3) Respect 50' no-build line around sinkholes
- 4) Meet all minimum subdivision requirements
- 5) Cite location of stream of state on property

Sincerely,

Jamie Rome, President, Tazewell Pike - Beverly Station Neighborhood  
 Donna Pryor - Vice-Pres - Tazewell Pike - Beverly Station  
 Jim Jennings - Block Captain  
 Terry Cunningham - Block Captain  
 Linda Chatham - Block Captain

**From:** "J. C. Tumblin, OD, DOS" <jctchs44@nxs.net>  
**To:** <contactknoxmpc.org>, <Mark.Donaldson@knoxmpc.org>  
**Date:** 2/12/2008 12:25:22 PM  
**Subject:** Agenda Item 2-D-08-RZ (Southeast Side of Tazewell Pike)

Dear Commissioners:

Regarding Agenda Item 2-D-08-RZ (Southeast Side of Tazewell Pike), Southwest of Anderson Road, Council District 4, Rezoning from No Zone to R-2 (General Residential)

Fountain City City Town Hall, Inc. requests that you take into serious advisement the information in the letter that you have received from the Tazewell Pike-Beverly Station Neighborhood Association.

Many wrongs were done in the development of Joshua's Landing and the neighborhood association is asking that you see that no further wrongs are permitted to happen.

Fountain City Town Hall supports this request.

Sincerely,

Mark Campen, Chair  
Fountain City Town Hall

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