



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: Requested proposed reduction in 50 foot tree buffer zone for Jefferson Park subdivision

1 message

Tom Brechko <tom.brechko@knoxmpc.org>

Mon, May 6, 2013 at 11:12 AM

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

----- Forwarded message -----

From: **Martha Armstrong** <m.armstrong@tds.net>

Date: Fri, May 3, 2013 at 4:53 PM

Subject: Requested proposed reduction in 50 foot tree buffer zone for Jefferson Park subdivision

To: "tom.brechko@knoxmpc.org" <tom.brechko@knoxmpc.org>

Cc: robertcpredy@aol.com

Dear Mr. Brechko:

We are writing to express our concerns about the request from the developer(s) of the Jefferson Park subdivision that the MPC grant a reduction in the tree buffer zone between Jefferson Park and Montgomery Cove - as was originally agreed to at the 2007 MPC hearing - from 50 feet to 20 feet. We vehemently oppose this request and feel that any change in the buffer zone which decreases the space would negatively impact on the value of the homes in both subdivisions as well as decrease the green belt and wooded areas that MPC has sought to preserve.

Unfortunately, neither of us is able to attend the hearing on May 9th due to prior business commitments but we wanted to make sure we expressed our concerns to the commission and our hope that the MPC will deny a request to decrease the tree buffer zone between our community of Montgomery Cove and that of Jefferson Park.

Respectfully submitted,

Martha C. Armstrong and Robert C. Preddy
12433 Amberset Drive
Knoxville TN 37922

M.armstrong@tds.net

Sent from my iPad



Minutes

June 14, 2007

1:30 P.M. Φ Main Assembly Room Φ City County Building

The Metropolitan Planning Commission met in regular session on June 14, 2007 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee.

Members:

A	Mr. Randy Massey, Chair	Mr. Ray Evans, Vice Chair
**	Ms. Susan Brown	Mr. Dick Graf
**	Mr. Robert Anders	Ms. Kimberly Henry
**	Mr. Trey Benefield	Mr. Stan Johnson
	Mr. Bart Carey	Mr. Robert Lobetti
	Mr. Art Clancy	Ms. Rebecca Longmire
	Mr. Herbert Donaldson	Mr. Jack Sharp
		** Ms. Mary Slack

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

20. JEFFERSON CREEK - MESANA INVESTMENTS, LLC

a. Concept Subdivision Plan

6-SF-07-C

Northwest side of S. Northshore Dr., northeast of Mont Cove Blvd.,
Commission District 5.

STAFF RECOMMENDATION: Approve variances 1-4 and the Concept Plan
subject to 13 conditions

Mr. Scott Davis: applicant

Ms. Martha Armstrong: 12433 Amberset Drive, Knoxville, 37922

I am here with neighbors from Montgomery Cove Subdivision. We sent letters in the past and were present May 10. We have been in discussion with Mr. Davis and have resolved issues. There are a few comments we would like to reiterate. We understand that the water runoff management issue has been settled and will be included in the final approval. Secondly the issue of 2.5 homes per developable acre has also been address. We want to reiterate our desire that the way it is developed is cognizant of the tree issue. There is a significant amount of treed, green area that is around 150 feet that immediately abuts Montgomery Cove we are asking, based on the Tree Conservation Plan, that those be part of the overall plan in writing. The concept plan section F the lots that abut our lots go from 2 to 6 lots for each of our one lots. Having moved here from Maryland, I have seen farm land and open space disappear. It does nothing for the overall quality of life. Concerned about the addition of 300 more houses on Northshore Drive.

Mr. Neal Schmidt: 12444 Amberset Drive

Regarding Tree Conservation Plan, we spent a lot of money putting this plan in. I am confident that this subdivision by maintaining tree buffer will maintain more value for both properties. There is some precedent that that be required to be a no cut zone. Covered Bridge worked out an agreement for a 50 foot no cut zone. The only way they could be cut would be with the approval of the homeowners organization. Do not see why this buffer could not be maintained for keeping the natural scenic drive that Northshore is and for the value of our lots. There is an inside cul-de-sac and he could take that out and make the lots longer and could sell them for more money if there is a buffered zone. We hope for his success, but are concerned about our values. Things have changed now and everybody is developing out there. When Prater Farm decides to subdivide again you will have already set a precedent.

Mr. Tom Brechko: There are 299 lots with 119.8 acres that is above the floodway and it does come in at 2.5 dwelling units per acre. We made a recommendation to require two entrances and we are recommending making a second entrance on Northshore. They are actually are providing a boulevard loop system inside the subdivision that gives alternative lanes to still get in and out of the development. Right now there is a requirement for a left turn into the development with a single entrance. By having a second entrance, that requirement would go away. There is a network of trails located within the median and proposing a walking trail. We recommend sidewalks to the cul-de-sacs that feed into the walking trail system. On the buffer, under PR there is a 35 foot peripheral setback for the subdivision. The Planning Commission can put a requirement for a buffering, but it is not a requirement for a buffer.

Mr. Scott Davis: P.O. Box 11315, 37939

Commended Montgomery Cove representatives with good dialog between them. This property could not be kept as a farmland because I cannot afford to do so. I would not infringe on that 35 foot buffer, no clear zone area unless for drainage or utilities. I am not able to enforce that on an individual property owner. If they decide to put a pool or deck, they should be able to utilize it. I would not mind extending that to a 50 foot buffer around the property and put it in writing. I am opposed to dual entrances due to the crime issue and I do not think, based on the 40 miles speed limit study, that we have adequate sight distance continuing 400 feet south toward Montgomery Cove. With regard to sidewalks to trails, requiring someone to do so is going to discourage someone from putting in the boulevard. We are setting aside more than usual greenspace and boulevard areas. Sidewalks are a terrific expense and I do not think they would be used. Seems to be a conflict. May 30 traffic study states "A stalled vehicle or other obstruction may block one side of the boulevard, but it is unlikely that both would be blocked at any given time. Therefore access will be available to emergency service even if one half is blocked. Within the site the internal roadways provide redundancy of access to most lots, thus the need for multiple access routes for passage around blocked routes are satisfied by the boulevard entrance road." I paid for this traffic impact study and it clearly states that need for second entrance is not documented in the traffic impact study.

Width of the entrance is between 160 foot wide because exiting we have the right hand turn lane and left hand turn lane and right hand deceleration lane. Center boulevard section begins at 10 feet and goes to 40 feet. Boulevard extent of the right-of-way is 90 feet wide.

Ms. Cindy Pionke: We did a speed study to confirm speeds. We got back 49 miles per hour at the proposed entrance. They do have about 1500 feet of frontage. It was thought there would be a location for a second access point. A left turn into the subdivision would be required based on traffic impact study and one entrance. If you have two entrances, the need for left turn lane goes away.

Mr. Trey Benefield: I am okay with the tree zone. I think the future residents would value them just as well as Montgomery Cove residents. If we can plat a 50 foot no clear zone in the subdivision, I might be able to go for it. Montgomery Cove has two entrances and they do not have a crime problem. Engineering says there is no problem with putting a second entrance in. Why are you so opposed to it?

Ms. Davis: Engineering has not done a sight distance study. Initially argument is as it relates to multiple entrances is as it relates to emergency access. Correct?

Mr. Benefield: Emergency and day to day motivating. With 300 homes leaving for work every day and school buses dealing with one entrance and traffic on Northshore so intense.

Mr. Davis: If primary drive was emergency services, then we put in a boulevard and that satisfies that. By creating a boulevard that emergency access issue has been removed as a concern.

Mr. Benefield: I think the bigger issue is the traffic in mornings and afternoons.

Mr. Ray Evans: I am a supporter of two entrances. But when you have a large boulevard such as this, you have negated the need for two accesses. There would be very few instances where you would block 150 foot at one time.

Mr. Art Clancy: I would rather see a boulevard as to two entrances. As far as 50 foot no cut zone, if we put this in then the people that buy the lots can decide on an individual basis what they want to do with their individual trees as long as it is not developed with the trees removed right off the bat.

Mr. Davis: Would clarify contiguous to Montgomery Cove side. The Praters on the other side want us to put up a fence.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE STAFF RECOMMENDATION DELETING TWO ENTRANCES CONDITION NO. 6 AND ADDING THAT THE DEVELOPER HAVE A 50 FOOT NO CUT ZONE FOR ALL LOTS CONTIGUOUS TO MONTGOMERY COVE.

Mr. Schmidt: Asked if a builder could come in and cut down the trees.

Mr. Donaldson: The Commission has the discretion to place a condition as part of the approval on it. Enforcement would be an issue. As Mr. Davis said perhaps the individual homeowner ought to have the right to decide which trees he wants or does not want.

Mr. Robert Anders: You say safe sight distance is 490 feet. And if it goes down to 380 feet then you have to put a second entrance in. Based on your information you cannot put in two entrances. Knox County may come back and say you cannot put two entrances in.

Mr. Davis: The no cut zone would be part of the lot. We would not be platting that for a long time. It would be on the design plans we submit to Knox County on our erosion control and design plans we would put it on there as a protected no cut area and identify it on our erosion control and drainage plan. Our lots are 160 to 180 feet and that would back them up to around 110 feet.

Mr. Bart Carey: My concerns on lot that about Montgomery Cove is they are 160 to 180 feet. What would you project setback on improvements from the street?

Mr. Davis: In PR it is 20 foot. In most cases with high end houses you would probably be talking guess about 35 foot which is consistent with Montgomery Cove.

Mr. Carey: I think you would have utilities on the street and no need to come in from the back.

Mr. Davis: Utilities may require us to tap into utility from the back at about 8 to 10 foot area.

Mr. Carey: There is a really mature stand of hardwoods. Asked if he had plans just to clear to the 50 foot no cut line.

Mr. Davis: No it costs me to cut them down and diminishes the value of the lots. I do not take these type of trees down like that without rational justification.

Mr. Benefield: In Montgomery Cove the initial phases had a 30 foot setback by subdivision code. The County requirement is 20 feet. Later phases the setback was reduced to the 20 foot in order to preserve the trees in the back of the properties. That seemed to be a very successful development technique. I recommend you do the same and keep the wooded lots.

Ms. Susan Brown: Asked if we had addressed the sidewalks to the walking trails?

Mr. Davis: We tried to create a nice walking trail and maintained trees in the boulevard. We set aside over 12 acreage for greenspace and to require additional sidewalks is an overburden and not necessary.

Mr. Brechko: Recommendation is that all streets would have then but a minimum of the longer cul-de-sac street would have sidewalks at least on one side. Our intent is not to discourage the walking trail. If he did not propose the walking trail we would recommend an amenities plan that would quite often by walking systems. If he did not have the trail we would be recommending a sidewalk system throughout the subdivision. We recommended a minimum sidewalk system to link to the walking trail.

MOTION CARRIED 12-2. APPROVED.

b. Use On Review

6-I-07-UR

Proposed use: Detached Residential Subdivision in PR (Planned Residential) Pending District.

STAFF RECOMMENDATION: Approve the development plan for up to 299 detached dwellings on individual lots subject to 4 conditions.

Ms. Kim Henry: Do we have a calculation on the sidewalks?

Mr. Tom Brechko There are eight listed roads that we listed that as a minimum they have a side on one side, which are the longer cul-de-sacs. The smaller stub cul-de-sacs would not be part of that. From my own personal experience, I would walk on the sidewalks. It is an amenity to the subdivision considering the size of the development. A long cul-de-sac with a long road usually requires traffic calming because people go too fast down those roads.

MOTION (CLANCY) AND SECOND () WERE MADE TO APPROVE STAFF RECOMMENDATION EXCLUDING SIDEWALK REQUIREMENT.

Upon roll call the Planning Commission voted as follows:

Anders	yes
Benefield	no
Brown	yes
Carey	yes
Clancy	yes
Donaldson	no
Evans	yes
Graf	yes
Henry	yes
Johnson	no
Lobetti	no
Longmire	no
Sharp	no
Slack	yes

MOTION CARRIED 8-6. APPROVED EXCLUDING SIDEWALK REQUIREMENT.



6-SF-D7C
6-I-07-UR
H20

Tuesday, June 12, 2007

RE: Jefferson Park Subdivision; Prater Property on Northshore Drive

Dear Commissioner Henry,

As you may be aware, I have met with members of the Montgomery Cove Homeowner's Association and several individual property owners over the past 45 days. To the best of my ability, I have tried to address each of their concerns as it relates to the development of the proposed Jefferson Park subdivision on Northshore Drive.

Montgomery Cove is a beautiful, well developed subdivision. I want to make every effort to develop Jefferson Park as a subdivision of equal quality, value and beauty. I will continue to work with the property owner's in Montgomery Cove.

Jefferson Park is designed to be an upscale, single family residential, lake front neighborhood. The property consists of 119.8 acres above the 813 contour line. More than 12 acres or nearly 10% of the property has been set aside as common property for green space, walking trails, amenity center and boulevard. (see enclosed)

The following is a list of concessions and/or things that I have done or I am willing to do which I believe will enhance both subdivisions.

1. I agreed in a previous letter to MPC to accept a density of 2.5 units per acre although MPC staff was recommending 3 units per acre.
2. I agree to a 35-foot setback or buffer "no clear green space" between the proposed Jefferson Park subdivision and Montgomery Cove. I agree not to disturb trees or vegetation in the "no clear green space" except where required for drainage and/or utilities. Disturbing the 35-foot setback or buffer would cost money and diminish the value of the lots in Jefferson Park. I am not able to restrict an individual property owner's right to remove trees or vegetation in the 35-foot buffer when they buy their home.
3. The engineers for Jefferson Park have been made aware of the pre existing flooding problems in Montgomery Cove. The drainage design for Jefferson Park involves taking drainage from the Jefferson Park property and diverting it to the lake away from and around Montgomery Cove.
4. I have agreed to give the property owner's in Montgomery Cove, who's property backs up to lots in Jefferson Park, the first right to purchase adjoining lots in Jefferson Park so they can maintain and protect the area behind their homes if they so desire.

The only area of concern for me, as it relates to the MPC staff recommendation for Jefferson Park, is the request for a second entrance.

The following is a list of comments and concerns regarding a second entrance to Jefferson Park.

1. The May 30th letter from Wilbur Smith & Associates (see enclosed) states "A stalled vehicle, downed tree or other obstruction may block one side of the road, but it is unlikely that both halves of the boulevard would be blocked at any given time. Therefore, access will be available to emergency service providers or others even if one half of the boulevard is blocked".

The letter further states "Within the site, the internal roadways provide redundancy of access to most lots. Thus, the need for multiple access routes for passage around blocked routes is satisfied by the boulevard entrance road".

2. If the Knox County speed study found the operating speed on Northshore Drive to be 49 mph, the safe site distance should be 490 feet in either direction. Presently, the site distance for the proposed entrance is approximately 510 feet to the North (toward town) and 780 feet to the South. If a second entrance was placed 400 feet south of the proposed first entrance, the site distance to the South of the second entrance would be approximately 380 feet and well below the 490 foot safe distance threshold.
3. In my opinion, a single entrance subdivision is safer and will experience less crime than a multiple entrance subdivision. If a burglar or child predator knows they have only one escape route, which can easily be blocked by a single patrol officer, they are less likely to prey on that subdivision.
4. I am not aware of any statistical data or records in Knox County or anywhere else in the Country where safety has been sacrificed by the existence of one entrance for subdivisions in excess of 150 lots. There are dozens of very large, subdivisions throughout the Country with one entrance.

I am truly grateful for your time and attention to these matters.

Thank you for your willingness to serve on the Metropolitan Planning Commission.

Sincerely,



Scott Davis
Mesana Investments, LLC
(865) 806-8008