



Betty Jo Mahan &lt;bettyjo.mahan@knoxmpc.org&gt;

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**[MPC Comment] FILE #: 12-I-14-RZ at 1130 Mourfield Rd.**

1 message

**Kelly Forrest** <kforrest10@gmail.com>

Mon, Apr 6, 2015 at 9:49 PM

Reply-To: kforrest10@gmail.com

To: commission@knoxmpc.org

To whom it may concern:

I am writing so that you will know that I oppose the new subdivision that is being planned for Mourfield Drive. I oppose the revised plan submitted by Volunteer Development Corporation (Eric Moseley and MPC member Scott Smith) for 54 small lots on 18 acres at 1130 Mourfield Road. Developing this property at three units per acre totally disregards the predominately single family residences on large lots on Mourfield Road and in Clover Hill that surround this development as required in Planned Residential (PR) zoning.

Like the previous proposal, the plan is to cut the mature trees, grade the steep wooded hillside and fill it almost completely with houses. The two detention ponds are designed to hold standing water at all times.

I live in Pine Springs subdivision which is off of Blue Grass Road. I travel on Mourfield every day to go A.L. Lotts and West Valley Middle School. I also travel on this road to get to Pellissippi to travel the grocery store, to work, church and shopping in Turkey Creek.

The threat of overcrowding of our schools as you consider this development with other proposed developments along Westland and Emory Church Road is real.

There are already too many subdivisions around our community. Many of these subdivisions have empty homes that cannot be sold. We should not build one more subdivision to clutter our beautiful land, clog our traffic patterns and overcrowd our schools!

Please vote no on this proposal.

Sincerely,  
Kelly Forrest  
9201 Corsairs Drive

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)



Betty Jo Mahan &lt;bettyjo.mahan@knoxmpc.org&gt;

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**[MPC Comment] File #4-SB-15-C**

1 message

**Phil Johnson** <phil@level2d.com>

Wed, Apr 8, 2015 at 2:20 PM

Reply-To: phil@level2d.com

To: Commission@knoxmpc.org

Dear Knox County Commissioners:

**Re: Proposed 18 acre development on Mourfield Road--File #4-SB-15-C**

As a twenty-five year homeowner and resident of West Knoxville, I vehemently oppose the proposed rezoning of the Mourfield Road Property, which would allow three units per acre, or 54 houses on 18 acres. For numerous reasons I believe this proposed density is far too high, and should be reduced to a minimum of 2 units per acre to be more compatible with surrounding development, and more suitable to the topography, greenery, and drainage issues of the area.

I attended the January 26<sup>th</sup> meeting of the Knox County Board of Commissioners where the initial zoning request of 3.5 dwelling units/acre was revised and eventually approved, "at a density of up to 3.0 dwelling units per acre." This was a compromise, but I do not believe it adequately addressed the concerns of the communities surrounding the proposed Mourfield Road development.

The discussion between commissioners during the January meeting was very revealing. Several commissioners tried very hard to address the concerns of local homeowners, while others seemed only concerned with reaching an arrangement that would allow the property owner to sell the property to the developer at the previously agreed-upon price. This sale, according to the developer, required a density of 3.0 dwelling units per acre. The legitimate concerns of nearby homeowners, and the issues relating to engineering regulations, were largely disregarded in order to allow the owner and the developer to culminate their "deal." It appears that several Board members are more concerned with enabling developer profit, than achieving well-planned coordinated growth. I do not believe it is appropriate for government officials at any level to disregard or manipulate approved guidelines, or community standards, in order to affect the sale of a property.

I believe there has been adequate evidence presented to indicate the likely problems that would ensue if the density issue is not addressed. I am requesting that you give serious consideration to these concerns, and require a reduction in the density of the proposed Mourfield Road development.

I will be happy to personally discuss this important matter at any time. Thank you for hearing and understanding this request.

Phil Johnson  
9238 West Springs Drive  
Knoxville, TN 37922  
[865.680.9257](tel:865.680.9257)

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)



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

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**[MPC Comment] Regarding MPC hearing on 1130 Mourfield Road development (4-SB-15-C, 4-C-15-UR)**

1 message

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**Kevin.Steele@emerson.com** <Kevin.Steele@emerson.com>

Tue, Apr 7, 2015 at 4:36 PM

Reply-To: kevin.steele@emerson.com

To: commission@knoxmpc.org

I remain opposed to the 54 units on 18 acre develop plan for 1130 Mourfield Road and am asking, along with my neighborhood, for a 2 units per acre limit.

Mourfield is the route I take my child to AL Lotts in the morning and it is over congested already.

Regards,

Kevin Steele

9225 Pine Brook Dr.

Knoxville, TN 37922

[\(865\) 769-5564](tel:8657695564)

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)

April 6, 2015

To: Knoxville Knox County MPC Commissioners

From: Jack Woodall and Sharon Boyce

Re: MPC #4-SB-15-C and 4-C-15-UR: 1130 Mourfield Road

We live at 9520 Westland Drive. We oppose the use on review and the subdivision concept plan submitted by Volunteer Development (Eric Moseley and Scott Smith) to develop 18 acres at 1130 Mourfield Road.

This is the second time this use on review and concept plan have been before MPC. While we do not oppose the development of this property as a subdivision, we believe the developer's plan improperly develops the features of the property which includes a stream and a steeply wooded hillside.

# I

## **The Development Plan Is Not Compatible With the Surrounding Area**

This development plan is not compatible with the surrounding low density pattern of development as is required for a use on review under the Knox County Zoning Ordinance (Section 6.50.06, 4.10.16). We rely upon and attach our memo to MPC of December 9, 2014 that details the existing development pattern surrounding the 18 acres. (Exhibit 1) Even though Knox County Commission has rezoned the property at 3 units per acre, 3 units per acre is a maximum density. Any density less than three houses per acre is allowed. The proposed development plan for 54 houses on small, steep lots is not compatible with the predominate development pattern of single family homes on wooded hillsides along Mourfield Road or the homes located on large lots on Anthem and Cloverhill Lane to the east.

The Planned Residential (PR) zone was created "to provide optional methods of land development which encourage more imaginative solutions to environmental design problems." Knox County Zoning Ordinance 5.13.01. The proposed plan for the use on review disregards this intent. It is a makeshift concept plan using the PR zone for maximum density and designed solely to obtain 54 lots. The proposed grading plan shows the mature trees are to be cut and the steep slopes are to be graded. The layout squeezes in too many houses on small lots with steep

steep slopes are to be graded. The layout squeezes in too many houses on small lots with steep slopes. Instead of an optional method of development and imaginative solutions, we are given a cookie cutter plan. Instead of preserving the mature trees, the steep slopes and stream and providing adequate detention, we are given a cookie cutter plan. Instead of recommending good planning alternatives, MPC staff simply approves the plan

## II

### **The Development Plan Ignores the Knoxville-Knox County Hillside and Ridgetop Protection Plan**

The developer intends to clear cut and grade the steep hillsides on the southern half of the property in disregard of the Hillside and Ridgetop Protection Area guidelines.

Half of this property is within the Slope Protection Area. The 10 acres on the south end are part of the ridge that extends through the area. The 10 acres on the north end are part of the valley that borders the stream. The plan destroys the steep slopes on the south end of the property.

These issues are not new, and Knoxville and Knox County addressed them in the Hillside and Ridgetop Protection Plan (HRPP). Its conclusions represented a compromise among representatives of the community, representatives of developers, and governmental agencies. The plan sets forth "the primary means to be used to safely develop steep slopes and ridgetops while minimizing offsite environmental damage." The HRPP limits development on slopes greater than 15% to two units per acre. The HRPP also provides maximum land disturbance guidelines for the slopes within the slope protection area. Because the slope calculations are somewhat complicated, the HRPP provides the method for land disturbance calculations in Appendix G. The staff has not provided the land disturbance calculations required by the HRPP in Appendix G, and has ignored these provisions from the HRPP. This development plan proposes to disturb the entirety of the steep slopes, a result prohibited by the HRPP.

## III

### **The Requested Street Design Variances Do Not Meet the Requirements of the Knoxville-Knox County Minimum Subdivision Regulations**

The Minimum Subdivision Regulations (MSR) permit a variance from the street design requirements in slope protection areas only when the developer has met the requirements of the Hillside and Ridgetop Protection Plan. (HRPP (MSR 69-12.2)). In the subdivision regulations, this is mandatory, not a guideline. The developer did not cite any reasons to justify its variance requests or state that it would meet the requirements of the HRPP in its application. In recommending the street variances, the MPC staff ignored this requirement of the Minimum Subdivision Regulations. The Minimum Subdivision Regulations adoption of HRPP for road construction purposes requires that the developer's concept plan meet HRPP requirements before the grant of a street design variance in the slope protection area.

The Minimum Subdivision Regulations (MSR 62-60) provide that local street maximum grade is 12%. The developer has requested a variance for Road "B" of a grade of 15%. The staff recommendation contains no discussion other than the statement that the site's topography restricts compliance with the subdivision regulations and the proposed variances will not create a traffic hazard. No valid reasons have been provided to support variances to the road in the protected slope area.

Section 69 of the Minimum Subdivision Regulations provides:

**69-11 Purpose.** The purpose of this section is to establish alternative street design standards, setbacks and lot sizes for subdivisions and development within the Hillside and Ridgetop Protection Area (HRPA) as established by the *Hillside and Ridgetop Protection Plan*, as adopted by the City of Knoxville in 2011 and Knox County in 2012. The foundation of these regulations is the desire to minimize the disturbance of natural land within the protection area in order to preserve its capacity to accommodate storm events, to protect valuable vegetation that contributes to the enhancement of air and water quality, and to minimize damage to the land and structures within and outside the HRPA caused by downhill and downstream flooding and severe erosion. The intent of these regulations is to promote low impact development on sensitive lands within the protection area through regulations that represent an alternative to regulations described elsewhere in the Subdivision Regulations.

This section shall supersede any other provision of the Subdivision Regulations as set forth herein and is expressly applicable to subdivisions and development of land within the HRPA.

The Minimum Subdivision Regulations thus provide an alternative standards for street design in Hillside and Ridgetop Protection Areas. Those regulations allow local streets with a maximum grade of 15% only where the

**69-12.2** The planning commission finds that the proposed development preserves and protects undisturbed land consistent with the intent of the land disturbance recommendations of the *Hillside and Ridgetop Protection Plan*.

The part of the property where the proposed variance to a 15% grade is located is within the Hillside and Ridgetop Protection Area. The grading plan provided by the developer shows that nearly the entire hillside area will be clear-cut and graded. The Hillside and Ridgetop Protection Plan allows only 20%-50% of the land to be disturbed in PR developments in Hillside and Ridgetop Protection Areas. See HRPP Table 3, p.33. The developer here makes no effort to protect the steep ridge. The Minimum Subdivision Regulations preclude his plan to use a local street with a 15% grade.

## IV

### **The Drainage Plan is Insufficient**

As to stormwater drainage, the MPC staff recommendation states very generally:

¶The preliminary drainage plan submitted with this plan provides sufficient detail for the consideration of the Concept Plan. At the Concept Plan level, the applicant provides the locations of the proposed detention basins and a general plan as to how the storm water will be directed to the detention facilities.

The Engineering Department did not submit a written statement assessing the proposed drainage plan and locations of the detention basins.

The developer has provided calculations which purport to show the drainage plan can meet current stormwater regulations, but there are problems which should be remedied. The proposed plan has two retention ponds which are designed not to drain completely and which will retain water all year. Two stagnant ponds providing habitat for mosquitoes will result in many neighborhood complaints, and may make it more likely for residents to illegally alter the ponds so that the water drains from them.

Also the proposed drainage plan will detain water on site from only part of the developed area not the entire property. While the stormwater model for this site may pass the math test, it is not acceptable result. MPC and Knox County Engineering should require an improved drainage system to assure that the water is adequately detained on site and does not damage Mourfield Road or downstream properties.

## V

### **Knox County Engineering Has Not Provided the Written Statement Required by the Minimum Subdivision Regulations**

Knox County Engineering has not provided the required written statement to support approval of a concept plan for this property. Minimum Subdivision Regulations describe the responsibility of Knox County Engineering Department as part of the approval process for concept plans:

#### **34 KNOX COUNTY ENGINEERING DIVISION**

The Knox County Engineering Division shall perform the following duties in regard to the administration of these regulations for subdivisions within the unincorporated area of Knox County.



**34-10 Concept Plan.** After review of the Concept Plan, the Knox County Engineering Division shall provide the Planning Commission with a written statement relative to the general acceptability of proposed roads, drainage systems and related improvements.

The Engineering Department has not provided a written statement about the acceptability of the proposed roads, the requested road variances, the drainage systems or any required improvements, a requirement of the Minimum Subdivision regulations. This engineering statement should have been researched, prepared and timely submitted in writing so that the MPC staff could rely on and include its findings in the report to MPC. It is also a statement which would be available to the public so the public is aware of the Engineering Department's reasoning, concerns and decisions prior to the public hearing. While the MPC staff cannot compel the Knox County Engineering Department to submit a written report, the appropriate response would for MPC to delay a hearing until a written statement is provided.

When Knox County Engineering does not make the required written statement, it limits the public's right to the facts about the impact of the development on the community and deprives them of the engineering expertise to be provided by Knox County. It also deprives the public of an adequate hearing since they cannot prepare for or respond to any oral engineering responses made at the hearing. Neither is the public allowed to question the Engineering representative at the public hearing. Instead, the current practice is for the developer, MPC staff and Engineering Department to meet outside of the public purview both before and after the public hearing and the public remains in the dark.

We request the MPC deny the concept plan and the use on review.

December 9, 2014

To: Knoxville Knox County MPC Commissioners

From: Sharon Boyce and Jack Woodall

Re: MPC #12-I-14 RZ  
Applicant Eric Moseley  
1130 Mourfield Road

We have lived at 9520 Westland Drive since 1997. Our property borders the creek downstream from the proposed development and our driveway runs along the west side of Treymour Condominiums. Our property is Parcel 37.06 on the zoning map.

We oppose the rezoning request of Eric Moseley and Scott Smith to develop 18.1 acres at 1130 Mourfield Road at a density of 3.5 units per acre. This density is not compatible with the surrounding development, the creek that runs through the property, and hilly, curvy Mourfield Road. Two units per acre would be compatible with the neighborhood.

The MPC staff report approving the density quotes some zoning standards but lacks facts to support its conclusion.

**Density.** The proposed density of 3.5 dwelling units per acre is too dense for the Mourfield Road location given the low density of the surrounding area, the creek in the north side of the property, and the conditions of Mourfield Road. Two (2) units per acre is a compatible and appropriate density. The creek winds its way through about two acres on the north end of the property, and we believe there is a sewer line and easement on the north side of the creek which continues from the sewer on the north side of the creek next to our property and the Treymour Condominiums. There should be a wide development buffer around the creek and no development should be permitted on the north side of the creek. There are a large number of mature trees that should be preserved between the existing house and Mourfield Road. The south end of the property is steeply wooded hills and the trees should also be preserved on those slopes. None of these objectives can be achieved at a density of 3.5 units per acre, and the density should be set at 2 units per acre.

The PR zone requires that each development be compatible with the surrounding or adjacent zones. Clover Hill Lane is adjacent to and east of the property. It is a single street with 6 houses, each sited on several acres. It accesses Westland Drive. With the exception of the older house and property bisected by the creek that front on Westland Drive, the other properties are deed restricted to several acres per house. A density of 3.5 units per acre is not compatible to this adjacent development.

Anthem Subdivision is a recently completed subdivision immediately to the east of Clover Hill Lane. It has Westland Drive access with 53 lots on about 23 acres, or 2.2 dwelling units per acre. To the north across Westland Drive is Woodland Springs subdivision with 76 dwelling units on about 50 acres or 1.5 dwelling units per acre.

EXHIBIT 1

On the opposite side of Mourfield Road and on Mourfield Road to the south of the development, development consists of single family houses on several acres on the ridges, mostly in the woods on the east side and in the woods and open areas on the west side. A density of 3.5 units per acre is not compatible to this existing development pattern.

Across Mourfield Road on ten acres north of the creek, Treymour Condominiums consists of ten sets of attached dwellings units. Treymour was constructed on a flat field. It is zoned PR 1-4, and was built at 3.5 dwelling units per acre. However unlike this proposed development, Treymour has direct access to Westland Drive and its driveway is aligned directly across from Emory Church Road at its intersection with Westland Drive. Treymour Condominiums borders the creek downstream from the proposed development, but its developer did not build or grade near the creek. The condominiums adjacent to the creek are 50 feet away and built at a substantially higher grade than the creek. The site for Treymour Condominiums and the site for the proposed development differ substantially.

Augusta Hills Subdivision is an older area of single family homes with access to Bluegrass Road but part of the subdivision is located near the east side of Mourfield Road. It is zoned RA with large lots.

Although this is a zoning application, we cannot pretend that the applicants have not recently filed a use on review plan for the property. It shows a total disregard for the PR zone, using all the density at 3.5 units per acre. There is no room to preserve the grove of large trees at the center or trees on the south slopes, insufficient stormwater detention, insufficient spacing of houses from the creek, small lots that directly access Mourfield Road with questionable sight distance, and one lot on the north side of the creek at Mourfield Road which would have a driveway right on the side of the steep hill.

And we cannot pretend that the same developers didn't clear cut the trees for their new subdivision, named Westland Gardens, on the east side of Gettysview and the south side of Westland Drive. They have shown the same disregard on Mourfield Road.

**Mourfield Road.** Mourfield Road runs from Westland Drive south to Bluegrass Drive. It is the only street that connects Bluegrass Road with Westland Drive. There is no traffic count for Mourfield Road in the KGIS mapping system. The MPC staff report cited no traffic count for its assumption that the road could handle the requested density and failed to mention the blind hill, curves, ditch, or other limiting characteristics. Mourfield Road is narrow, curvy and hilly road with steep slopes on the west side and a drainage ditch parallel to the east side of the road near the proposed development. If exiting the present driveway of the proposed development, looking right or to the north, there is a blind hill. Looking left or to the south, there is a curve. It is difficult to exit the driveway at 1131 Mourfield Road across from the development and its driveway is located even further away from the hill.

The configuration of Westland Drive at its intersection with Mourfield Road on the south side and Emory Church Road on the north side is a major issue that has not been addressed. Measured centerline to centerline, the intersection of Mourfield Road and Westland Drive, is approximately 250 feet east of intersection of Emory Church Road and Westland Drive. If you are turning left from Mourfield Road on Westland Drive toward the Pellissippi Parkway, a hill to the right creates a sight distance problem. At peak usage times a substantial number of cars back up on Mourfield Road waiting to make that left hand turn.

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Westland Drive is a busy street with approximately 11,000 cars per day at Lotts Elementary School according to a 2013 traffic count on the KGIS map. Further, in early 2014 Knox County BZA approved apartments on Emory Church Road that if constructed will double the traffic count on Emory Church Road and require a traffic light at the Emory Church Road and Westland Drive interchange. In the rezoning, Knox County Engineering did not address or include Mourfield Road in any proposal for possible intersection traffic improvements.

Given the unique location of this property with a blind hill, curves, a ditch along the east side of the road, the odd intersection of Mourfield Road with Westland Drive and Emory Church Road, and the proposed changes to that intersection, MPC should require a current traffic count and a traffic impact study before the zoning density is determined.

**The Creek.** The creek begins just north of Westland Drive at the pond in the Woodland Springs Subdivision, crosses under Westland Drive, runs through the proposed development, and under Mourfield Road. As it goes further west it borders our property. It is a creek with water all year and at all times. However, in heavy rains with several inches in a few hours, the creek overflows its banks and floods the bottom part of our property. We do not want to receive any more water in the creek from the proposed development than in its pre-developed state. Neither do we want our property to become the detention pond for this development. The proposed density of 3.5 units per acre leaves no room for properly sized detention ponds to collect water from all the units. If the developer is not required to construct adequate detention on site, the liability for downstream damage falls on the future individual property owners.

The excessive density will increase the roadway flooding on Mourfield Road and subject Knox County to liability for an unsafe roadway.

Since the developers clear cut the trees next to Gettysview, and the size and location of proposed lots and roads leave no room for trees, more downstream flooding will occur.

See attached pictures of the mature trees in the center of the property, looking north and south from the current driveway of the property on Mourfield Road, and driving south to north on Mourfield Road toward Westland Drive.











