



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

Fwd: File 11-C-15-RZ

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>
To: Commission <commission@knoxmpc.org>
Bcc: bettyjo.mahan@knoxmpc.org

Tue, Dec 8, 2015 at 9:05 AM

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

From: **Debra Byrd** <dabyrd321@yahoo.com>

Date: Tue, Dec 8, 2015 at 9:03 AM

Subject: File 11-C-15-RZ

To: "brad.anders@knoxcounty.org" <brad.anders@knoxcounty.org>, "bob.thomas@knoxcounty.org" <bob.thomas@knoxcounty.org>, "ed.brantley@knoxcounty.org" <ed.brantley@knoxcounty.org>, "mike.reynolds@knoxmpc.org" <mike.reynolds@knoxmpc.org>

Sirs,

My name is Debra Byrd. My husband Delbert Byrd and I live at 7421 Wickam Road in Camelot 2 subdivision off West Emory Road. We built a house here in 1985. We chose this subdivision because the lots were larger and the homes did not all look alike. The only negative has been the increase in traffic over the years making it difficult to pull out on Emory Road during busy traffic times.

We understand Scott Davis has purchased the land by our subdivision to develop into a subdivision. He has asked to put 5 homes per acre but it has been reduced to 3 per acre. We are concerned about the increase in traffic and what this how this will affect our property values as this subdivision will be right next to ours. Please consider these issues as he comes up for review on Thursday. We appreciate your attention to this matter.

Debra Byrd [865-679-9905](tel:865-679-9905)



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

Fwd: 11-C-15-RZ

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>
To: Commission <commission@knoxmpc.org>
Bcc: bettyjo.mahan@knoxmpc.org

Tue, Dec 8, 2015 at 8:16 AM

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

From: **sherrie lay** <lays9021@yahoo.com>
Date: Mon, Dec 7, 2015 at 9:29 PM
Subject: 11-C-15-RZ
To: "mike.reynolds@knoxmpc.org" <mike.reynolds@knoxmpc.org>
Cc: "brad.anders@knoxcounty.org" <brad.anders@knoxcounty.org>, "bobthomas@knoxcounty.org" <bobthomas@knoxcounty.org>, "edbrantley@knoxcounty.or" <edbrantley@knoxcounty.or>

Mr. Reynolds, and Knox county commissioner

Our family and relatives have lived on Chartwell Road for many years. Our names are Daniel and Shirley Lay. I also have a sister living on Chartwell Road. We would like for you to know. That we are against Mr Scott Davis putting another subdivision on West Emory. We feel that with 32 subdivisions in a 6 mile stretch we have more than what is needed in this area.

For example:

When trying to leave our subdivision during early morning and afternoon the traffic is a nightmare. A person turning left on to West Emory has an exceedingly long wait in order to merge with traffic safely. The volume of vehicles seems never-ending. The road was constructed with A much lower traffic flow in mind. As the area has grown, the increased traffic flow has more than exceeded the roads capabilities already.

Some mornings I have seen it back-up past our driveway and we live in the 2nd house, approximately 200 yards from the corner. This proposed new subdivision will only add more vehicular traffic to and already overloaded roadway.

I know the Mayor has said that there are plans to expand West Emory to four lanes in a couple of years. However, to add an additional subdivision with the significantly larger number of vehicles which will be added to the roadway, will have a very negative impact on the traffic flow. The much wiser course would be to provide a suitable infrastructure prior to any additional subdivisions going into the area.

The increased traffic from this proposed new subdivision is only one of the problems which it would create. There is also the impact on the school system and the resources of the community.

Please reconsider the decision to allow Mr Davis to construct a new subdivision in a already crowded area. If you don't eliminate this subdivision entirely ,please limit Mr. Davis to no more than 2 or 3 houses pre acre. Five dwellings per acre would not only be overcrowded but would not be in harmony or consistent with the surrounding area.

Thank you for your service
Daniel and Shirley Lay

**Arlene M. Lemiszki
7516 Brittany Drive
Knoxville, TN 37931
(865) 947-5486**

December 6, 2015

Metropolitan Planning Commission (via email)
400 Main Street
City County Building, Suite 403
Knoxville, TN 37902

Re: File No. 11-C-15-RZ (Scott Davis)
Rezoning Application – Eagle Bend Realty

Dear Commissioners:

In your capacity as unpaid citizen volunteers, I am writing to request your assistance in crafting a reasonable ending to a saga I have titled *A Knox County Citizen's Odyssey Through the MPC Rezoning Process*. Note I have not requested a happy ending, just a reasonable one, as we all know fairy tales do not come true. Admittedly, the saga can be amusing if you are not the one living it.

It all starts with “the postcard”, hereinafter referred to as the “golden ticket”. On a Thursday evening in November the golden ticket arrives in our mailbox. It informs us that there will be a public hearing held three business days later regarding a rezoning application. Unfortunately, should you chose to participate, the only thing your golden ticket entitles you to is a trip to the MPC “Twilight (re)Zone”.

I felt sure that if I called the MPC and explained the situation, the hearing could be postponed. So, Friday morning I called Mr. Reynolds, a nice gentleman, but well-versed in the company line. He didn't understand why the golden tickets were mailed late, thought the public notice sign had been posted, and invited me to write the Commission requesting a postponement. However, without physically attending the meeting (at 1:30 p.m. on a weekday), there was no guarantee of a postponement. In fact, there was no guarantee the hearing would be postponed at all, no matter what I did. But, apparently, I stood a much better chance if I showed up. **Note to MPC:** Any chance of making those meetings more convenient for the property owners who are generally hard at work on a Thursday afternoon?

My odyssey took an unexpected turn when I learned that the MPC is not required to issue you a golden ticket at all. I was only worthy of one because my property is located within 200 feet of the property that is the subject of a rezoning request. In other words, as a property owner most likely to be adversely affected I should be grateful for their consideration. You see, by state law, publication in the paper is the minimum notice required. So, if you happen to receive a golden ticket, please do not mistake this as any right to which you are entitled. It should be considered a gift from the MPC and should neither be expected nor taken for granted. In fact, the MPC office is quick tell you that the application can still be

heard if Commission choses to suspend the rules. Wow! **Note to Knox County Property Owners:** If you no longer subscribe to the paper, you'd better. If you still subscribe, please devote sufficient time from your busy daily schedule to scour the fine print of the classified section to see if there are any rezoning requests that might affect you.

I then call Mr. Davis thinking that if I explain the situation to him, he might be willing to agree to a delay given the circumstances. Oops! My bad! When I told him where I lived, he bellowed "you fought me", apparently referring to the Camelot II residents' opposition to his request for 5 per acre in his adjacent Copper Ridge project. He then suggested that I should pay any costs he incurred due to any delay. A few observations here: (1) Are developers really that surprised by opposition when they request outrageous rezoning, totally inconsistent with the zonings of surrounding properties? (2) Are developers not speculating when they buy property to develop; and isn't it a distinct possibility that when you speculate, there are inherent risks, i.e. delays?

And what about those public notice signs? Checking with neighbors, no one had seen a sign. Many went out specifically to look for it after receiving their golden ticket. Imagine my surprise when Mr. Reynolds called two days prior to the meeting to advise that the sign had been posted at an address on East Emory Road, rather than on West Emory Road. I bet our neighbors in Powell were grateful for the heads up that no one was trying to put five new neighbors in their backyard!

In an effort to get a crash course in my rights to proper notice, I checked the MPC's website and found their Administrative Rules and Procedures. In my review, I did find it interesting and curious that under Section 4 – Public Notice Signs, "The failure of the Planning Commission to post notice signs ... shall not preclude the Commission from acting on any application ..." Additionally, "The MPC may require then applicant to post the signs required in this section." Really?!? Does the phrase "putting the fox in charge of the hen house" come to mind? While I am not implying this happened here, I would submit this provision is an absolute invitation for underhanded behavior. Who stands to gain from the public having no notice of an impending rezoning or other application? If the public is unaware, you are assured of no opposition.

So, having rearranged my schedule and written my letter, I drive downtown to attend the meeting. When the item is called, Mr. Davis announces that he would agree to a postponement because he understands the neighbors are entitled to sufficient notice. (Where was this guy the other day?) Oh wait, his agreement is contingent upon recouping from MPC some expedited fee he apparently paid to have something considered at the December meeting. (At least this time he's not asking me for the money.)

Interestingly, in a recent conversation I had with Mr. Kelly regarding the golden ticket I received concerning the Use on Review public hearing scheduled for December 10, I was informed that Mr. Davis has requested that the Use on Review and Concept Plan be delayed until January. (I wonder if there is a "Go Fund Me Account" set up to cover any delay costs.) Apparently, the odyssey will continue, but let's get back to reality. Here is how I view things:

Mr. Davis is a developer who buys large pieces of property and subdivides them into as many small pieces as possible in order to flip them and maximize the return on his investment. Does he have the right to do this? Absolutely! Is it the right thing to do? Arguable, depending on the character, zoning and makeup of the surrounding property. In this case, he requests 5 per acre. In Copperfield (adjacent to Camelot II) he did the same. Apparently he has established a precedent by requesting the moon, sun

and stars, and settling for the earth. Maybe if he asked for reasonable density in the first place, he'd face less opposition.

The MPC Staff has recommended **up to** 3 per acre, indicating their opinion that this would be more consistent. I respectfully disagree. Camelot II is at a density of 1.4/acre. Bent Creek (directly across from Camelot II on W. Emory Road), while zoned 1-3 per acre is not developed at the maximum allowed density. The only subdivision developed **at** 3 per acre is Mr. Davis' Copper Ridge development. I contend one subdivision maxed out at 3 dwellings an acre does not define "consistent". There is no doubt that if he is granted **up to** 3 per acre, he will build 3 per acre.

While I certainly understand that developments result in additional property tax revenue for the Know County, such development should be thoughtful, measured and take into consideration the surrounding property owners' rights to the enjoyment of what is likely the biggest investment they will ever make and biggest asset they will ever own. It should not expose those existing property owners to undue additional traffic safety concerns. Based on the location of the subject property, adding an additional subdivision entrance on W. Emory Road where there is already a very limited sight line is concerning at best, and very dangerous at worst.

Finally, my reasonable ending to this chapter of the story would be:

- A 50-foot minimum buffer to include the existing woodlands on the rear of the subject property that is adjoining Brittany Drive residents;
- No more than two dwellings per acre on the subject property where it directly adjoins the properties along Chartwell Road and Brittany Drive (the golden ticket recipients) in the Camelot II subdivision;
- No construction, dirt removal or excavation of the subject property until the Concept Plan submitted by Mr. Davis is approved by the MPC; and
- A thorough study be done by the appropriate agencies (County/TDOT) as to the feasibility of adding a new subdivision and entrance on a very precarious part of West Emory Road. This should be of utmost importance due to the safety of the residents of the surrounding subdivisions.

If you have any questions, I may be reached at the above telephone number.

Sincerely,

cc: The Hon. Tim Burchett (via email)
Commissioner Brad Anders (via email)
Commissioner Bob Thomas (via email)
Commissioner Ed Brantley (via email)