



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
SUBDIVISION REPORT - CONCEPT**

▶ **FILE #:** 5-SE-16-C **AGENDA ITEM #:** 8  
 POSTPONEMENT(S): 5/12/2016-10/13/2016 **AGENDA DATE:** 11/10/2016

▶ **SUBDIVISION:** BENTLEY FIELDS (FKA: BENTLEY ESTATES)

▶ **APPLICANT/DEVELOPER:** AKP PROPERTIES, LLC  
 OWNER(S): AKP Properties, LLC

TAX IDENTIFICATION: 120 A A 002 [View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 430 Broome Rd

▶ **LOCATION:** East side of Broome Rd., south of Chadwick Dr.

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

WATERSHED: Ten Mile Creek

▶ **APPROXIMATE ACREAGE:** 11.67 acres

▶ **ZONING:** R-1E (Low Density Exclusive Residential)

▶ **EXISTING LAND USE:** Residence and vacant land

▶ **PROPOSED USE:** Detached Residential Subdivision

SURROUNDING LAND USE AND ZONING: North: Residences / R-1E (Low Density Exclusive Residential)  
 South: Mars Hill Cemetery and residences / R-1E (Low Density Exclusive Residential)  
 East: Residences / R-1E (Low Density Exclusive Residential)  
 West: Residences / RP-1 (Planned Residential) & R-2 (General Residential)

▶ **NUMBER OF LOTS:** 31

SURVEYOR/ENGINEER: Ideal Engineering Solutions, Inc

ACCESSIBILITY: Access is via Broome Rd., a major collector street with a 18' pavement width within a 40' - 50' right-of-way.

▶ **SUBDIVISION VARIANCES REQUIRED:** None

**STAFF RECOMMENDATION:**

▶ **APPROVE the concept plan subject to 11 conditions.**

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knox County (City Ord. 0-280-90).
3. Installation of sidewalks on at least one side of both Roads A & B. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knoxville Department of Engineering. A bond shall be provided to the Knoxville Department of Engineering by the developer in an amount sufficient to guarantee the installation of the sidewalks.
4. The closed contour/sinkhole and the 50' setback around the feature shall be shown on the final plat. Building construction within the 50' setback may be permitted if a geotechnical study prepared by a registered

engineer states that building within the 50' sinkhole buffer is acceptable and the study is approved by the Knoxville Department of Engineering. The geotechnical study must be completed and submitted to the Knoxville Department of Engineering prior to submission of the final plat for any lots that do not have a building area outside of the 50' setback area. Building construction is not permitted within the hatched contour area of the sinkhole or required drainage easement. Engineered footings may be required for any structures within the 50' sinkhole buffer.

5. Based on the recommendations from the report submitted by Cultural Resource Analysts, Inc. and dated October 31, 2016 (copy enclosed in MPC package), Staff recommends the following: a) A 25' buffer be established along the north and east side of the cemetery fence line for Mars Hill Cemetery. The portion of the buffer that is outside of the cemetery parcel shall be included in a common area parcel for this subdivision. The common area would also include at a minimum, a 25' wide access strip/easement for the cemetery out to the public right-of-way of Road A. A paved driveway to the cemetery parcel shall be installed meeting the requirements of the Knoxville Department of Engineering. b) Following design plan approval and prior to the submission of the final plat to the Planning Commission for review, conducting the preliminary site grading/stripping of the property under the supervision of an archaeologist to assure that any unmarked graves on the site are left undisturbed. The timing and details of the preliminary site grading/stripping is subject to the approval of the Knoxville Department of Engineering and MPC staff. c) Submitting a follow-up report on the results of the preliminary site grading/stripping from the archaeologists to MPC staff for review and approval prior to any further site alteration. If any grave sites are discovered, MPC staff will determine what modifications to the concept plan will be required and if the concept plan will have to be resubmitted to the Planning Commission for approval.
6. The design of the deceleration lane is subject to the review and approval by the Knoxville Department of Engineering during the design plan stage of the subdivision.
7. Working with the Knoxville Department of Engineering at the design plan stage of the subdivision on the possible addition of street lighting along Broome Rd. at the proposed subdivision entrance.
8. Meeting all applicable requirements of the Knoxville Department of Engineering.
9. Placing a note on the final plat that all lots will have access only to the internal street system except for the lot created for the existing home site that currently has direct access to Broome Rd.
10. Prior to final plat approval establish a homeowners association for the purpose of assessing and collecting fees for the maintenance of the commonly held assets including the common area, access to the cemetery and the stormwater system.
11. A final plat application based on this concept plan will not be accepted for review by the MPC until certification of design plan approval has been submitted to the MPC staff.

With the conditions noted, this plan meets the requirements for approval of a concept plan in the R-1E (Low Density Exclusive Residential) District.

#### **COMMENTS:**

The applicant is proposing to subdivide this 11.67 acre tract into 31 detached residential lots and common area at a density of 2.66 du/ac. This property which is zoned R-1E (Low Density Exclusive Residential) is located on the east side of Broome Rd. just south of Chadwick Dr. The R-1E zoning district has a minimum lot size requirement of 7,500 square feet with no minimum lot width requirement. The proposed lots range in size from 8,340 to 17,786 square feet. Thirteen of the proposed lots will be over 10,000 square feet in size.

The proposed subdivision will be served by a public street with access out to Broome Rd. The applicant is proposing a deceleration lane on Broome Rd. at the proposed entrance. The design of the deceleration lane is subject to review and approval by the Knoxville Department of Engineering. To help improve visibility at the proposed subdivision entrance at night, staff is recommending that the applicant work with the Knoxville Department of Engineering on the possible approval of street lighting along Broome Rd. at the proposed subdivision entrance. The project engineer has certified on the concept plan that 300' of sight distance is available in both directions along Broome Rd. at the proposed subdivision entrance. The site is located within the parental responsibility zone. Staff is recommending a condition that sidewalks be included on at least one side of both Roads A and B.

A closed contour/sinkhole exists at the northwest corner of the site adjacent to Broome Rd. Building construction within the designated 50' setback around the sinkhole may be permitted if a geotechnical study prepared by a registered engineer states that building within the 50' sinkhole buffer is acceptable and the study is approved by the Knoxville Department of Engineering. The geotechnical study must be completed and submitted to the Knoxville Department of Engineering prior to submission of the final plat for any lots that do not have a building area outside of the 50' setback area.

The proposed subdivision adjoins an existing cemetery (Mars Hill Cemetery) and historic site that is located at

the southwest corner of the site. Concern has been raised about the impact this proposed subdivision will have on the cemetery and historic site and possible unmarked grave sites that may be located outside the boundary of the cemetery. The applicant had hired a consultant, Cultural Resource Analysts, Inc. (CRA), to evaluate the extent of the cemetery and a copy of their report is enclosed in the MPC package (See "Update" comments below). Based on the recommendations from the report, staff has recommended a condition that would provide a buffer around the cemetery, provide public access to the site and provide protection for any unmarked graves that may be located on the property.

#### UPDATE:

On Thursday, October 20, 2016, staff from CRA conducted a Ground-Penetrating Radar (GPR) Survey for an area of approximately 0.41 acres on the north and east side of the Mars Hill Cemetery property. The new study area is located on the north side of the previous study area. A report on their findings, dated October 31, 2016, is included in the MPC Agenda Package. There were no indications of any unmarked graves within the new study area. The recommendations from the new study are incorporated in MPC staff's recommended condition #5.

ESTIMATED TRAFFIC IMPACT: 353 (average daily vehicle trips)

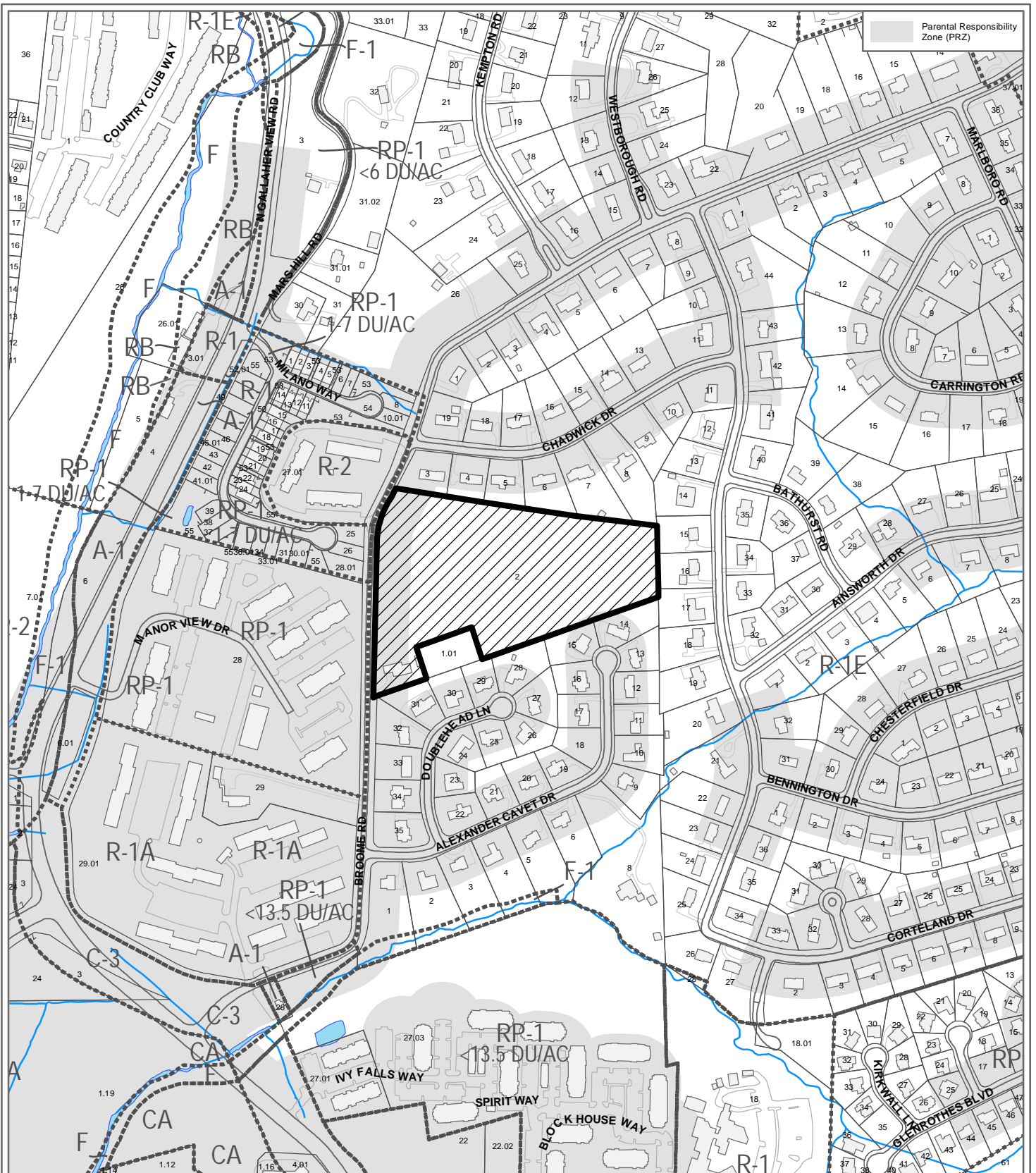
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 13 (public and private school children, ages 5-18 years)

Schools affected by this proposal: West Hills Elementary, Bearden Middle, and Bearden High.

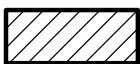
- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

MPC's approval or denial of this request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court appeal hearing will depend on when the appeal application is filed.



**5-SE-16-C  
CONCEPT PLAN**

Subdivision: Bentley Estates

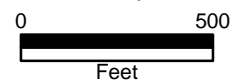


Approval of Concept Plan

Map No: 120

Jurisdiction: City

Original Print Date: 4/19/2016  
 Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902





KNOXVILLE-KNOX COUNTY  
**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N  
T E N N E S S E E  
Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
F A X • 215 • 2068  
www.knoxmpc.org

# Request to Postpone • Table • Withdraw

Name of Applicant: AK Properties, LLC  
AS IT APPEARS ON THE CURRENT MPC AGENDA

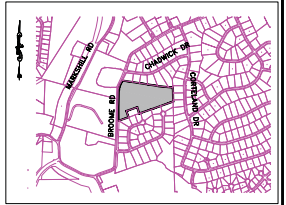
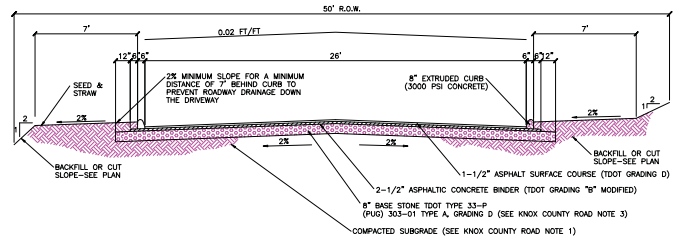
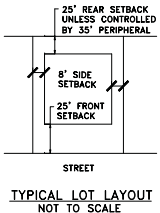
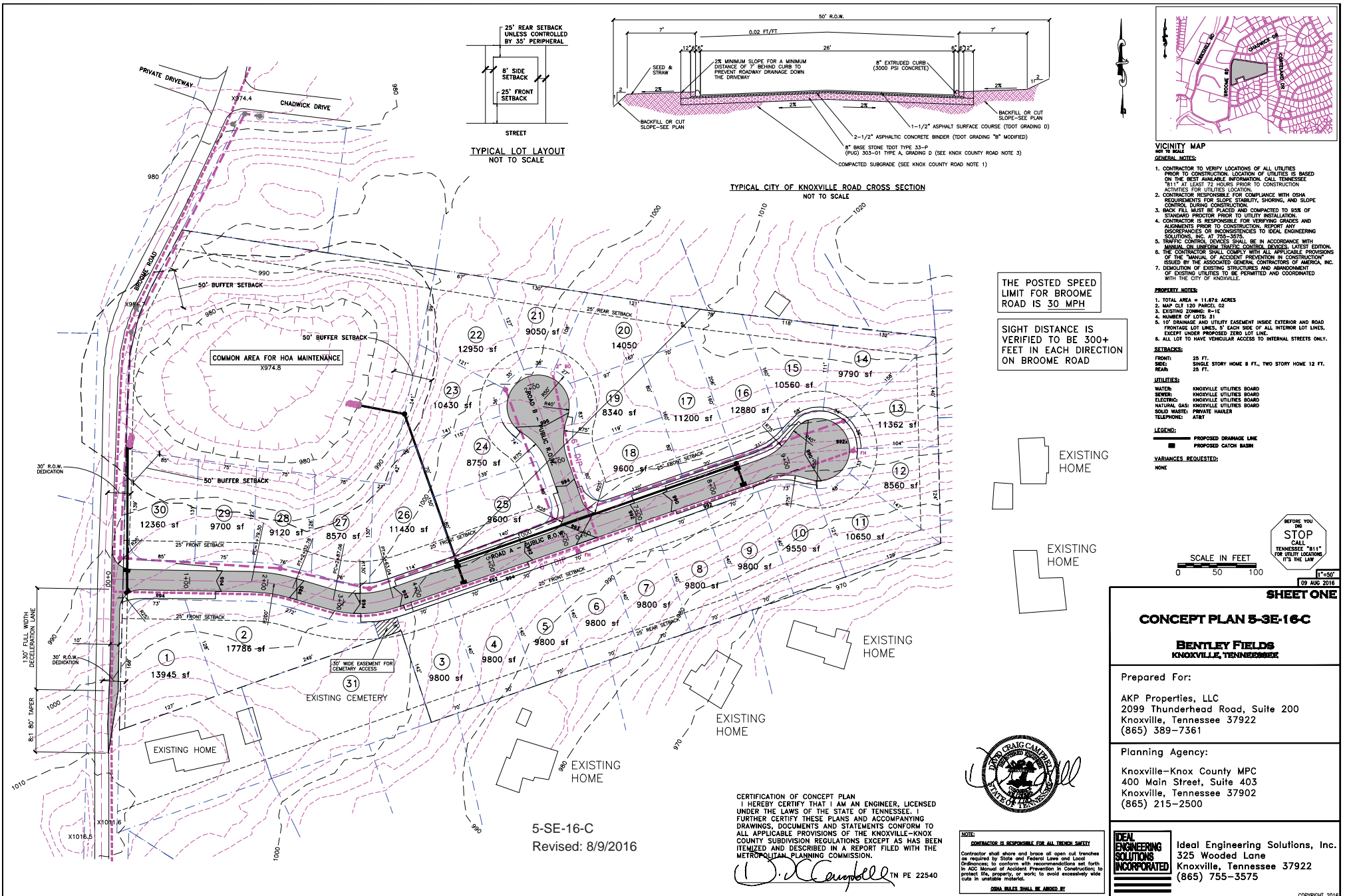
Original File Number(s): 5-SE-16-C

Date Scheduled for MPC Review: 10-13-16

Date Request Filed: 9/28/16 Request Accepted by: Thomas Butler



<p><b>REQUEST</b></p> <p><input checked="" type="checkbox"/> <b>Postpone</b> Please postpone the above application(s) until: <u>11/10/16</u> <small>DATE OF FUTURE MPC PUBLIC MEETING.</small></p> <p><input type="checkbox"/> <b>Table</b> Please table the above application(s).</p> <p><input type="checkbox"/> <b>Withdraw</b> Please withdraw the above application(s).</p>	<p><b>PLEASE NOTE</b></p> <p>Consistent with the guidelines set forth in MPC's <i>Administrative Rules and Procedures</i>:</p> <p><b>POSTPONEMENTS</b> Any first time (new) MPC application is eligible for one automatic postponement. This request is for 30 days only and does not require MPC approval if received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. All other postponement requests must be acted upon by MPC before they can be officially postponed to a future MPC public meeting.</p> <p><b>TABLINGS</b> Any item requested for tabling must be acted upon by MPC before it can be officially tabled.</p> <p><b>WITHDRAWALS</b> Any MPC item is eligible for automatic withdrawal. A request for withdrawal must be received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. Withdrawal requests that do not meet these guidelines must be acted upon by MPC before they can be officially withdrawn.</p> <p>Any new item withdrawn may be eligible for a fee refund according to the following: Application withdrawal with fee refund will be permitted only if a written request is received by MPC prior to public notice. This request must be approved by either the Executive Director, or the Development Services Manager. Applications may be withdrawn after this time, but without fee refund.</p>
<p><b>State reason for request:</b> <u>Site Research Ongoing</u></p>	
<p><b>Eligible for Fee Refund?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: _____ Approved by: _____ Date: _____</p>	
<p><b>APPLICATION AUTHORIZATION</b></p> <p>I hereby certify that I am the property owner, applicant, or applicant's authorized representative.</p> <p>Signature: <u>[Signature]</u> <u>David Alley / DEC</u></p> <p>PLEASE PRINT Name: <u>David Alley</u> Address: <u>2099 Thunderhead Rd #200</u> City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37922</u> Telephone: <u>665 309-7361</u> Fax: _____ E-mail: <u>darid@alleyproperties.com</u></p>	



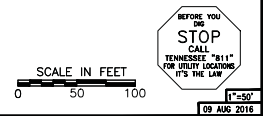
- GENERAL NOTES:**
- CONTRACTOR TO VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION. LOCATION OF UTILITIES IS BASED ON THE BEST AVAILABLE INFORMATION. CALL TENNESSEE "811" AT LEAST 72 HOURS PRIOR TO CONSTRUCTION ACTIVITIES FOR UTILITIES LOCATION.
  - CONTRACTOR RESPONSIBLE FOR COMPLIANCE WITH OSHA REQUIREMENTS FOR SLOPE STABILITY, SHORING, AND SLOPE CONTROL DURING CONSTRUCTION.
  - BACK FILL MUST BE PLACED AND COMPACTED TO 95% OF STANDARD PROCTOR PRIOR TO UTILITY INSTALLATION.
  - CONTRACTOR IS RESPONSIBLE FOR VERIFYING GRADES AND ALIGNMENTS PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES OR INCONSISTENCIES TO IDEAL ENGINEERING SOLUTIONS, INC.
  - TRAFFIC CONTROL DEVICES SHALL BE IN ACCORDANCE WITH MANUAL ON LINEAR TRAFFIC CONTROL DEVICES, LATEST EDITION.
  - THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE "MANUAL OF ACCOUNT PREVENTION IN CONSTRUCTION" ISSUED BY THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.
  - DEMOLITION OF EXISTING STRUCTURES AND MAINTENANCE OF EXISTING UTILITIES TO BE PERMITTED AND COORDINATED WITH THE CITY OF KNOXVILLE.

THE POSTED SPEED LIMIT FOR BROOME ROAD IS 30 MPH

SIGHT DISTANCE IS VERIFIED TO BE 300+ FEET IN EACH DIRECTION ON BROOME ROAD

- PROPERTY NOTES:**
- TOTAL AREA = 11.87± ACRES
  - MAP CDT 120 PARCEL 02
  - EXISTING ZONING: P-11E
  - NUMBER OF LOTS: 31
  - 10' DRAINAGE AND UTILITY EASEMENT INSIDE EXTERIOR AND ROAD FRONTAGE LOT LINES, 5' EACH SIDE OF ALL INTERIOR LOT LINES, EXCEPT UNDER PROPOSED ZERO LOT LINE.
  - ALL LOT TO HAVE VEHICULAR ACCESS TO INTERNAL STREETS ONLY.

- SETBACKS:**
- FRONT: 25 FT.  
SIDE: 25 FT.  
REAR: 25 FT.
- UTILITIES:**
- WATER: KNOXVILLE UTILITIES BOARD  
SEWER: KNOXVILLE UTILITIES BOARD  
ELECTRIC: KNOXVILLE UTILITIES BOARD  
NATURAL GAS: KNOXVILLE UTILITIES BOARD  
SOLID WASTE: PRIVATE HAULER  
TELEPHONE: AT&T
- LEGEND:**
- PROPOSED DRAINAGE LINE  
■ PROPOSED CATCH BASIN
- VARIANCES REQUESTED:**
- NONE



**SHEET ONE**

**CONCEPT PLAN 5-SE-16-C**

**BENTLEY FIELDS**  
KNOXVILLE, TENNESSEE

Prepared For:

AKP Properties, LLC  
2099 Thunderhead Road, Suite 200  
Knoxville, Tennessee 37922  
(865) 389-7361

Planning Agency:

Knoxville-Knox County MPC  
400 Main Street, Suite 403  
Knoxville, Tennessee 37902  
(865) 215-2500

**IDEAL ENGINEERING SOLUTIONS INCORPORATED**

Ideal Engineering Solutions, Inc.  
325 Wooded Lane  
Knoxville, Tennessee 37922  
(865) 755-3575

**CERTIFICATION OF CONCEPT PLAN**

I HEREBY CERTIFY THAT I AM AN ENGINEER, LICENSED UNDER THE LAWS OF THE STATE OF TENNESSEE. I FURTHER CERTIFY THESE PLANS AND ACCOMPANYING DRAWINGS, DOCUMENTS AND STATEMENTS CONFORM TO ALL APPLICABLE PROVISIONS OF THE KNOXVILLE-KNOX COUNTY SUBDIVISION REGULATIONS EXCEPT AS HAS BEEN INTIMIZED AND DESCRIBED IN A REPORT FILED WITH THE METROPOLITAN PLANNING COMMISSION.

*W.D. Campbell* PE 22540



**NOTE:**

CONTRACTOR IS RESPONSIBLE FOR ALL TRENCH SAFETY

Contractor shall shore and brace all open cut trenches as required by State and Federal Laws and Local Ordinances to conform with recommendations set forth in ACC Manual of Accident Prevention in Construction to protect life, property, or works to avoid unnecessary side cuts in unstable material.

OSHA RULES SHALL BE ADOPTED BY



5-SE-16-C

October 31, 2016

Mr. David Alley  
Alley Realty and Auction, Inc.  
2099 Thunderhead Road, Suite 204  
Knoxville, Tennessee 37923  
Office: (865) 584-5791  
Cell: (865) 389-7361

**RE: A Ground-Penetrating Radar Survey for a 0.16 ha (0.41 acre) Area Beyond the North and East Borders of Mars Hill Cemetery, Knoxville, Tennessee.**

**CRA Project No.: L16A001**

**Contract Publication Series No.: 16-416**

Mr. Alley:

On October 20, 2016, Cultural Resource Analysts (CRA) archaeologist, Jeremy W. Pye, Ph.D., RPA, conducted a ground-penetrating radar (GPR) survey over approximately 0.16 ha (0.41 acre) of land outside of the presumed northern and eastern boundaries of Mars Hill Cemetery in Knoxville, Tennessee (see Figure 1). Mars Hill Cemetery is thought to be the final resting place of the victims of the Cavett's Station massacre, which occurred in 1793. The massacre was memorialized by a marker placed in the Mars Hill Cemetery in 1921 by the Tennessee Society of the Sons of the Revolution. The marker indicates that the Cavett's Station, or blockhouse, was located at the cemetery, but its location has never been identified and current research by Faulkner (2013) suggests that the location of the blockhouse was well to the south of the project area near a spring. Faulkner (2013) reports that subsequent family members may have been interred at the cemetery as late as 1820, although these early burials likely would have been marked with wooden or fieldstone markers and their exact locations are not confirmed. According to Faulkner (2013) the cemetery was not used again until after the construction of the Gallaher View Baptist Church, which was founded in 1855. The church, now known as Gallaher Memorial Baptist Church, was moved in the early 1890s to its present location on Gallaher View Road (Faulkner 2013). Even though the church was no longer directly associated with the Mars Hill Cemetery, extant markers in the cemetery attest to the fact that family members of those individuals buried in the cemetery during its association with the church continued to use the cemetery for burial during the early twentieth century. The latest marked grave site in the cemetery dates to 1931.

Mars Hill Cemetery is located east of Broome Road NW and north of Doublehead Lane, and is bounded by a residence and shed to the west, two residences to the south, and open pasture to the north and east. At some point in the past, a wooden fence was erected around what was perceived to be the boundary of the cemetery as indicated by the extent of the marked grave sites. Only the posts of the fence remain on the north and east sides of the cemetery. It is our understanding that plans call for the construction of a residential development on the property adjacent to the cemetery. CRA personnel conducted a soil probing survey in July, 2016, within a project area extending approximately 10 m (30 ft) to the north and 10 m (30 ft) east of the presumed northern and eastern boundaries of the Mars Hill Cemetery in order to determine if unmarked graves were present (Avery 2016). Disturbed areas, possibly associated with tree roots or other bioturbation, were noted in portions of the project area, while heavy vegetation precluded survey in other areas. No unmarked

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Shreveport, LA 71105  
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www.crai-ky.com

Lexington, KY Longmont, CO Evansville, IN Mt. Vernon, IL  
Shreveport, LA Berlin Heights, OH Knoxville, TN  
Woods Cross, UT Richmond, VA Hurricane, WV Sheridan, WY





graves were located during the probing survey, but one possible, small, shallow, pet burial was documented within the project area (Avery 2016).

In August, 2016, Dan Brock, a graduate student from the University of Tennessee, conducted a limited GPR survey of a 10 x 20 m (33 x 66 ft) block, the southern boundary of which was located approximately 5 m (16 ft) north of the Mars Hill Cemetery fence line. Two grave-like anomalies were found in the southeast portion of this survey block, and thus a smaller 3 x 3 m (10 x 10 ft) block extending toward the cemetery fence was also investigated to see if the row continued toward the cemetery. Brock found evidence of three additional presumed grave features in this smaller block (Brock 2016).

Current efforts to investigate the area around the cemetery were aimed at confirming the results of the CRA probing survey within the area that was investigated by probing, and providing support for the presence or absence of unmarked burials within the portions of the current project area that were not investigated through probing. In addition, although all of the presumed grave features identified by Brock lay beyond the southern boundary of the current project area, the present efforts sought to support the absence of burials within the portion of the current project area that overlapped Brock's survey block. The ultimate purpose of this work is to make sure that any potential burials present within the project area might be encompassed by the cemetery boundary and avoided by proposed construction activities.

A GSSI SIR-3000 GPR system coupled with a Model 50400S 400 MHz antenna mounted on a cart system (see Figure 2) was utilized for investigation of the survey area in accordance with the geophysical methods as outlined below. GPR works through the antenna sending radio waves into the ground, which differentially interact with the variable physical and chemical (and therefore electrical) properties of the area passing under the antenna as it is moved across the ground surface. Unlike other geophysical survey methods, GPR has the ability to convert the two-way travel time of a radio wave (i.e., the time it takes for the radio wave to reflect off of a buried target and return back to the receiver) into a distance, thus giving an approximate depth-to-target. Because of the nature of how GPR works, this device is applicable for use on archaeological sites anticipated to have large, or "hard," subsurface features, such as large pits, ditches, unmarked burial locations, and historic foundations (Kvamme 2002). Conyers (2005) states that graves should generally be indicated as hyperbolas within the radar profile (see Figure 3), particularly when "hard" items, such as vaults or intact burial containers, are encountered by the radar waves, yet hyperbolic reflection are not the only responses to graves. Often, the contents of graves are not immediately detectable, but what is detected is the disturbance cause from the digging and filling processes. Examples of possible radar representations of historic grave features were described by Bevan (1991), and include the following as shown in Figure 4: (1) "burial contrast", which results in the standard hyperbolic reflections; (2) "subsidence strata", which is represented by settling or slumping of the grave fill; (3) "fill scattering" cause by rubble or unconsolidated clay nodules within the grave fill; (4) "strata break", or soil substrate truncation; and (5) "surficial subsoil", or superficial soil truncations or disturbances.

The first task of the current geophysical study was to establish a grid across the project area that was used to orient the field data collection. Historic Euro-American burials, particularly Protestant graves, are typically oriented east-west, with the head to the west and the feet to the east. In the case of the Mars Hill Cemetery, marked graves were oriented more in a WSW-ENE direction. The geophysical survey blocks were oriented in a similar direction as the marked burials to increase the likelihood that burials would be identified if present, and in keeping with the property boundaries and previous surveys. A Trimble 3000 series Geo-XT handheld GPS unit and pull tapes was used to lay out two contiguous survey blocks for the geophysical survey and the UTM of each of the survey





block corners was recorded. Block 1 measured approximately 15 x 69 m (50 x 225 ft) and was located to the north of the cemetery with the southwest corner of the block acting as the grid origin. Block 2 measured approximately 54 x 10 m (175 x 30 ft) and was located to the east of the cemetery with the southwest corner of the block acting as the grid origin (see Figure 5).

As mentioned above, the physical and chemical properties of soils including the moisture content and electrical conductivity, can affect the results of a GPR survey. For example, changes in soil moisture, texture, and density can cause data echoes or reflections that can mask potential targets, and increasing electrical conductivity can decreased radar penetration. Therefore, the dielectric constant, or the relative permeability of a substance, can be set within the GPR unit. USGS soils data for the area suggest that the site consists of shallow silty loam soils atop clay. The dielectric constant suitable for the data collection in silty and loamy soils, as well as dry clays is 8, so this is the setting input into the GPR unit. The data was further set to be collected in a 16-bit format, with 50 radar scans being collected per meter and 512 data samples being collected in each scan as is accepted practice in ground-penetrating radar studies of historic cemeteries.

Even though burials are not considered to be small features in a general sense, adult supine burials only measure approximately 1 x 2 m (3 x 6 ft). It is necessary for the geophysical instrument to pass over a grave feature several times so that there is an observable radar return pattern in neighboring transects. Therefore, the current survey was conducted so that transects were spaced 0.5 m (1.6 ft) apart and oriented to NNW-SSE. This allowed for the transects to cross perpendicularly to potential grave features, thus increasing the likelihood of recording anomalous radar returns along multiple transects. Transects were traversed in a zig-zag transecting pattern, which means that the first transect (Transect 1) started at the grid origin in the southwest corner of a block and the GPR being pushed along the transect to the NNW. At the end of the transect along the northern baseline, the instrument was moved over 0.5 m (1.6 ft) to Transect 2, turned, and pushed along until reaching the end of the transect along the southern baseline. In this manner the GPR data collection continued across each of the survey blocks. The above methodology resulted in the collection of a total of 139 transects of GPR data in Block 1 and 21 transects in Block 2.

The majority of the project area was in short grasses and other low plants at the time of the survey as the developers had the area cleared using a rotary mower prior to the geophysical fieldwork. Areas previously inaccessible to CRA personnel during the probing survey were cleared leaving most of the project area accessible to the ground-penetrating radar. That said, some obstacles remained that hindered, or may have affected the results of, the geophysical data collection. The far western end of Block 1 was tightly hemmed in by a raised garden bed on the northern side and child's wooden playhouse and slide surrounded by overgrown blackberries, poison ivy, and other weeds (see playhouse and slide in right foreground of Figure 6 and garden and playhouse in background of Figure 7). A large brush/debris pile, resulting from the clearing of the vegetation from the project area was located just off the northeastern corner of Block 2 (seen left center in Figure 6). While the majority of the brush pile was outside of the project area, it was necessary for me to clear a few clusters of medium sized branches and trash from the project area. It was not possible to clear all of the trash out of Block 2, however, as there was a sizeable surface scatter of modern trash, including metal debris, concentrated largely in the middle of the block. A small dirt pile was also present in the vicinity of the trash scatter, which was a hindrance to data collection as well (see Figures 8 and 9).

The collected GPR profiles were processed using RADAN v.6, and manually viewed looking for evidence of grave features. Graphical plan-view plots, or "time slices," of the data were produced using GPR Slice v.7 and ArcGIS. Interrogation of the individual radar profiles collected revealed





numerous high contrast radar reverberations associated with metallic debris located in both surface and subsurface contexts throughout the project area, the most prevalent concentrations of which were in Block 2 (see Figure 10). No overt anomalies reminiscent of unmarked grave features were seen in the GPR profiles. Similarly, the production of plan-view time slices of the GPR data did not highlight any obvious anomalous patterns conforming to rows of grave features within the project area. That said, as can be seen in Figure 5, the survey did reveal something of note. In the western portion of Block 1, there appears a large rectangular anomaly as also seen in Figure 11, measuring roughly 28 m (92 ft) in length from WSW-ENE. The width of the anomaly is not precisely observable as it extends to both the northern and southern extents of the project area; however, given the width of the anomaly's eastern and western sides, it is approximately 17 m (56 ft) in width. There also appears to be a roughly 5 x 5 m (16 x 16 ft) projection extending from the western side of the larger rectangular anomaly. Evidence of the rectangular anomaly appears in the times slices starting around 50 cm (20 in) below the ground surface and extends to roughly 150 cm (59 in). While outstanding in plan-view, the representation of this anomaly in the radar profiles is fairly subtle as can be seen in Figure 12, which depicts the profile of Transect 35 and which crosses the middle of the larger rectangular anomaly (see Figure 11).

Given the shape of the rectangular geophysical anomaly discovered in Block 1, as well as the apparent depth of the anomaly, it is interpreted to be either direct remains of a structure foundation, or evidence of the excavations for the construction of a foundation. Without additional archaeological and historical research, it is not possible to determine whether the rectangular anomaly does correspond to structural remains, and if so, to make interpretations as to the origin or function of said structure. Based on what is known at this time, assuming that additional archaeological work supports the belief that the anomaly does represent the footprint of a structure, there are three potential explanations for its presence. The most likely possibility is that the anomaly represents the original location of the Gallaher View Baptist Church given its shared orientation and proximity to the Mars Hill Cemetery. Additionally, although renovations are evident and no formal architectural analysis of the structure has been undertaken, the dimensions of the anomaly are similar to those of the present-day Gallaher Memorial Baptist Church. While the church seems like a reasonable candidate, the property adjacent to the Mars Hill Cemetery has been used in the past for agricultural purposes/pasture, so the anomaly might instead represent a barn, or other structure associated with a farmstead on the property. Finally, it is possible that the anomaly could represent Cavett's Station, given the historical belief that the Mars Hill Cemetery is located on the site of the blockhouse. This is a much more remote possibility than the other options as the dimensions and appearance of the anomaly do not conform to other blockhouse structures in the region, and current research by Faulkner (2013) has suggested that the blockhouse was located elsewhere, as was mentioned previously. Due to the potential that a structure in this location could have historical and archaeological importance, it is recommended that the rectangular anomaly be investigated by a professional archaeologist.

As discussed above, the previous GPR survey work conducted by Brock (2016) indicated that unmarked burials appear to be present beyond the presumed northern boundary of Mars Hill Cemetery. These burials lay south of Block 1 of the current project area, and were marked by plastic yellow pin flags at the time of the current survey. While the burials appear to lay outside of the current project area, it is recommended that a buffer of at least 8 m (25 ft) be maintained from the cemetery fence line so that all of these potential graves are effectively protected from construction activities. The results of the current GPR survey suggest that there do not appear to be any unmarked human graves present within the investigated project area. It cannot be stressed enough, however,





that GPR is not absolute and there are many reasons why grave features might not be indicated in the present data. The surest way to determine if graves are present is to strip off the top soil using a backhoe, or similar heavy equipment, which would reveal soil stains appearing from the contrasts between the homogenized grave fill and the surrounding undisturbed subsoils. It would, therefore, be prudent for a professional archaeologist to be present on site during initial stripping of the property to monitor the stripping and determine if soil stains reminiscent of grave features are present. If grave features are encountered during construction activities, said graves should be encompassed by the Mars Hill Cemetery boundary and the construction buffer should be extended. If actual human skeletal material is discovered during construction activities, all work should cease. The Tennessee Historical Commission (THC) and local law enforcement should be contacted immediately, and THC guidelines should be followed.

Mr. Alley, I appreciate the opportunity to assist you with this project. If you have any comments or questions regarding our work or this report, please do not hesitate to contact either myself or Travis Hurdle, director of the CRA Knoxville office (Phone: 865 249-6035, Email: [twhurdle@crai-ky.com](mailto:twhurdle@crai-ky.com)). We look forward to working with you again in the future!

Sincerely,

Jeremy W. Pye, PhD, RPA  
Staff Archaeologist/Geophysics Specialist  
Phone: 318-525-8526  
Email: [jwpye@crai-ky.com](mailto:jwpye@crai-ky.com)

#### References Cited:

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- Faulkner, Charles H.



2013 *Massacre at Cavett's Station: War with the Cherokee in the Late 18<sup>th</sup> Century*. University of Tennessee Press, Knoxville, Tennessee.

Kvamme, Kenneth L.

2002 *Geo-Radar Investigations at the Fort Riley Cemetery, Kansas*. Department of Anthropology & Center for Advanced Spatial Technologies. University of Arkansas, Fayetteville, Arkansas. Prepared for Directorate of Environment and Safety, Fort Riley, Kansas.

**Enclosures:**

Figures 1-12



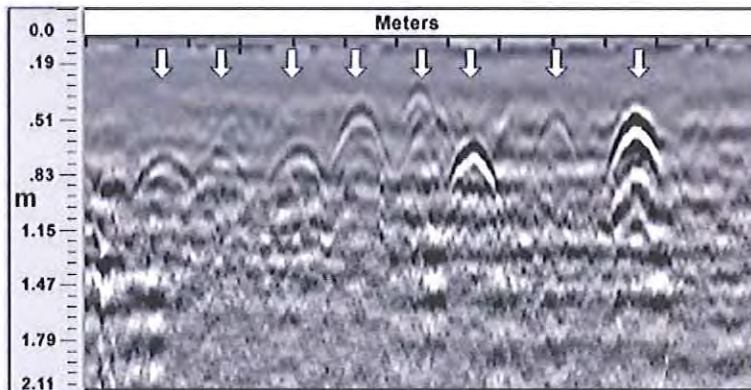
Figure 1: Project area as depicted on 2014 aerial image.

Lexington, KY Longmont, CO Evansville, IN Mt. Vernon, IL  
 Shreveport, LA Berlin Heights, OH Knoxville, TN  
 Woods Cross, UT Richmond, VA Hurricane, WV Sheridan, WY

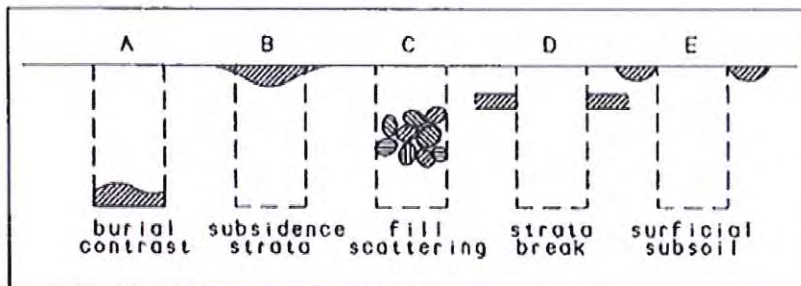




**Figure 2:** Jeremy Pye using the GSSI SIR-3000 GPR unit to collect geophysical data near the southeast corner of Block 1 north of Mars Hill Cemetery, view northeast toward the large brush pile northeast of the project area.



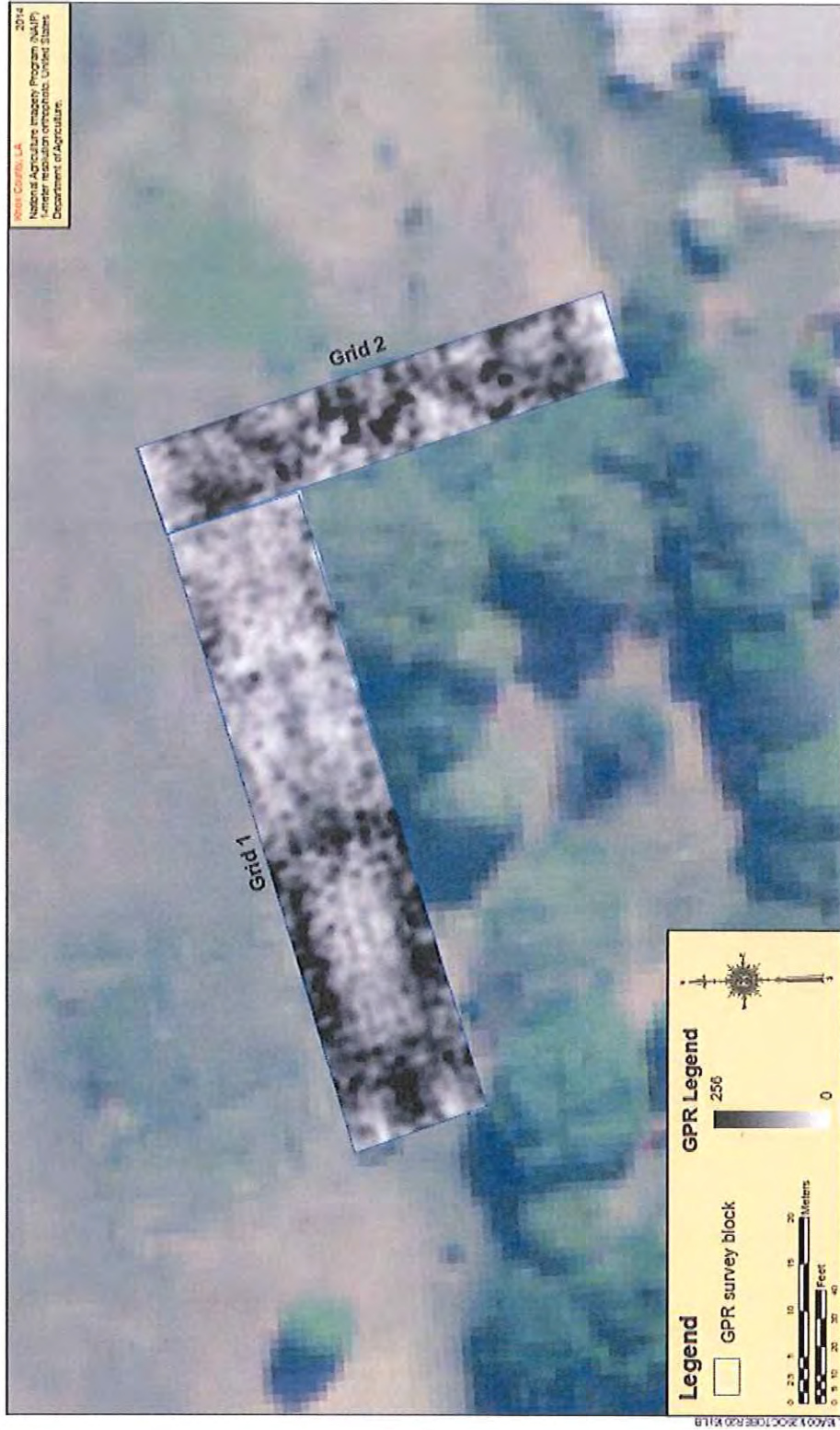
**Figure 3:** Example of regularly spaced hyperbolic reflections from grave features as seen in radar profiles collected at the Fort Riley Cemetery, Manhattan, Kansas (Kvamme 2002).



**Figure 4:** Examples of possible soil contrasts, other than hyperbolic reflections, suggestive of historic grave features as seen in radar profiles (Bevan 1991).

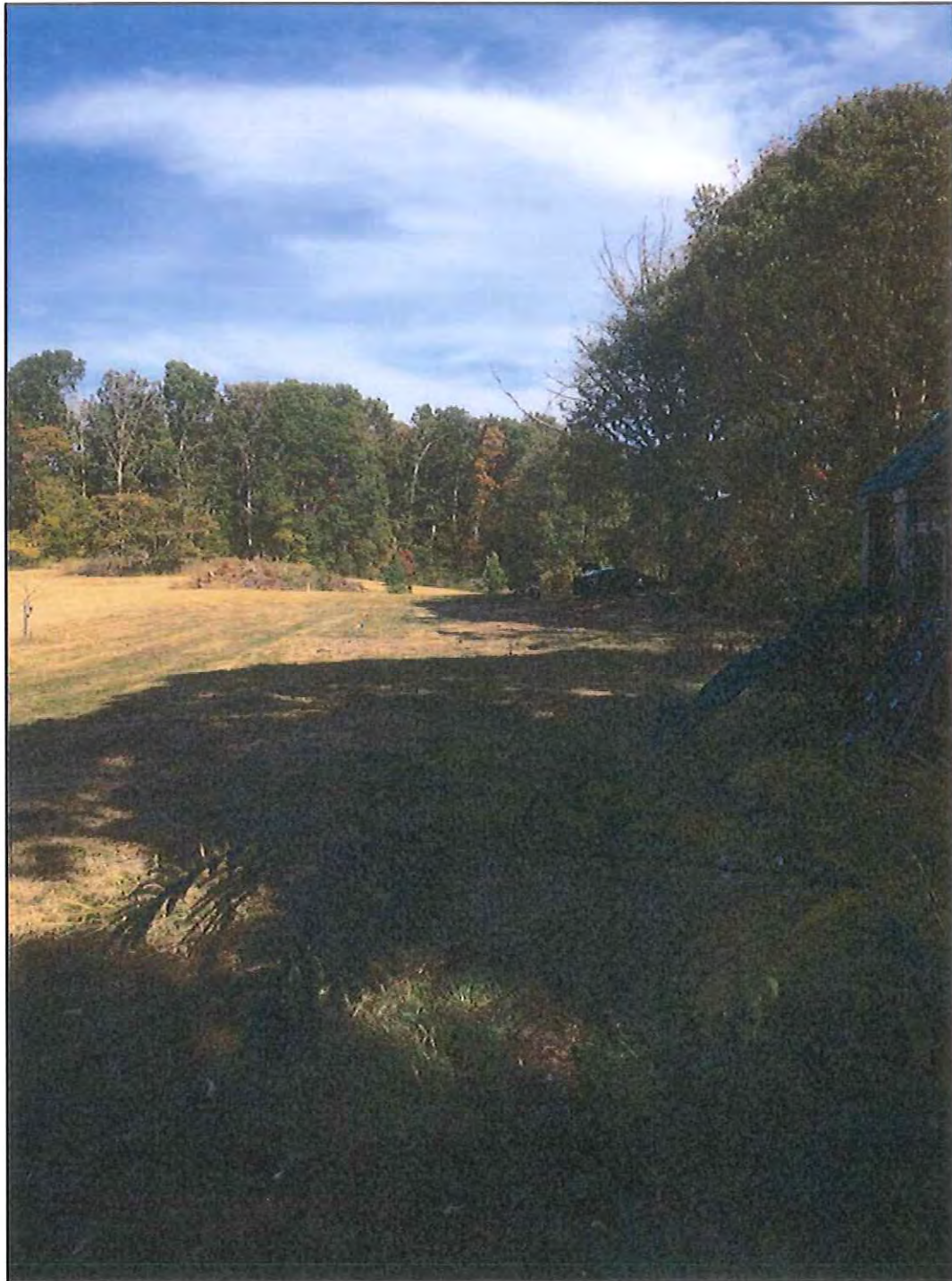
Lexington, KY Longmont, CO Evansville, IN Mt. Vernon, IL  
 Shreveport, LA Berlin Heights, OH Knoxville, TN  
 Woods Cross, UT Richmond, VA Hurricane, WV Sheridan, WY





**Figure 5:** Project area, geophysical survey blocks, and plan-view of GPR time slice from approximately 100 cm (39 in) below ground surface, as seen on the 2014 aerial image. Block 1 grid origin in SW corner at UTM Z16N N3980617.9, E765406.4 (NAD83). Block 2 grid origin in SW corner at UTM Z16N N3980602.0, E765484.6 (NAD83).

Lexington, KY Longmont, CO Evansville, IN Mt. Vernon, IL  
 Shreveport, LA Berlin Heights, OH Knoxville, TN  
 Woods Cross, UT Richmond, VA Hurricane, WV Sheridan, WY



**Figure 6:** Overview of project area north of Mars Hill Cemetery, view east-northeast from the southwest corner of Block 1.

Lexington, KY Longmont, CO Evansville, IN Mt. Vernon, IL  
Shreveport, LA Berlin Heights, OH Knoxville, TN  
Woods Cross, UT Richmond, VA Hurricane, WV Sheridan, WY





Figure 7: Overview of project area north of Mars Hill Cemetery, view west-southwest from the southeast corner of Block 1.

Lexington, KY Longmont, CO Evansville, IN Mt. Vernon, IL  
Shreveport, LA Berlin Heights, OH Knoxville, TN  
Woods Cross, UT Richmond, VA Hurricane, WV Sheridan, WY





**Figure 8:** Overview of project area east of Mars Hill Cemetery, view south-southeast from the northwest corner of Block 2.

Lexington, KY Longmont, CO Evansville, IN Mt. Vernon, IL  
Shreveport, LA Berlin Heights, OH Knoxville, TN  
Woods Cross, UT Richmond, VA Hurricane, WV Sheridan, WY





**Figure 9:** View of small dirt pile and scattering of modern trash and metal debris of Block 2 east of Mars Hill Cemetery, view northwest from near the center of the block.

Lexington, KY Longmont, CO Evansville, IN Mt. Vernon, IL  
Shreveport, LA Berlin Heights, OH Knoxville, TN  
Woods Cross, UT Richmond, VA Hurricane, WV Sheridan, WY



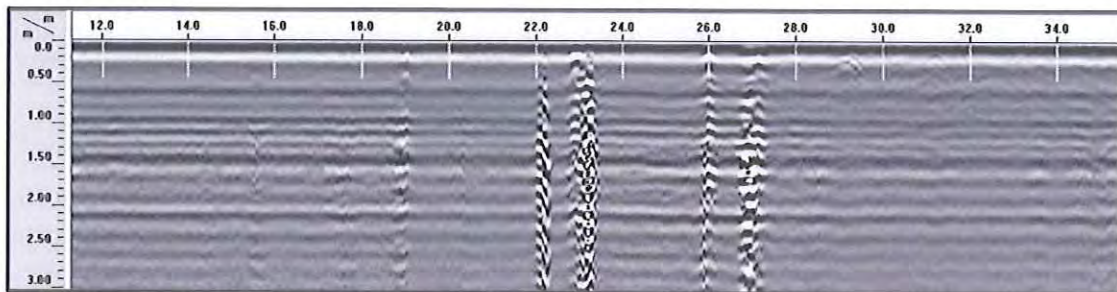


Figure 10: Segment of the radar profile corresponding to Transect 8 in Block 2, which shows examples of strongly contrasting reverberations from surface and subsurface metallic debris.

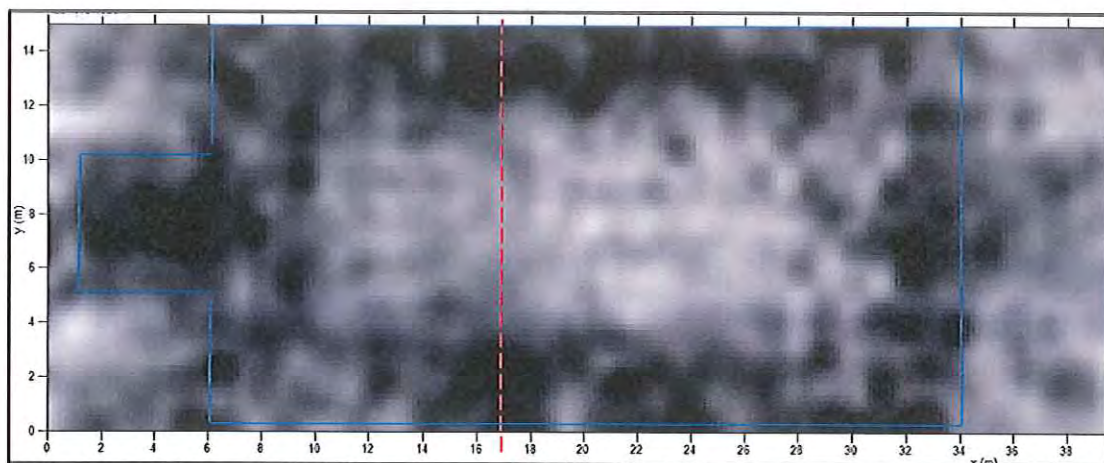


Figure 11: Close-up of rectangular anomaly as seen in plan-view of GPR time slice from approximately 100 cm (39 in) below ground surface. Blue lines indicate extent of anomaly. Red dashed line indicates location of Transect 35.

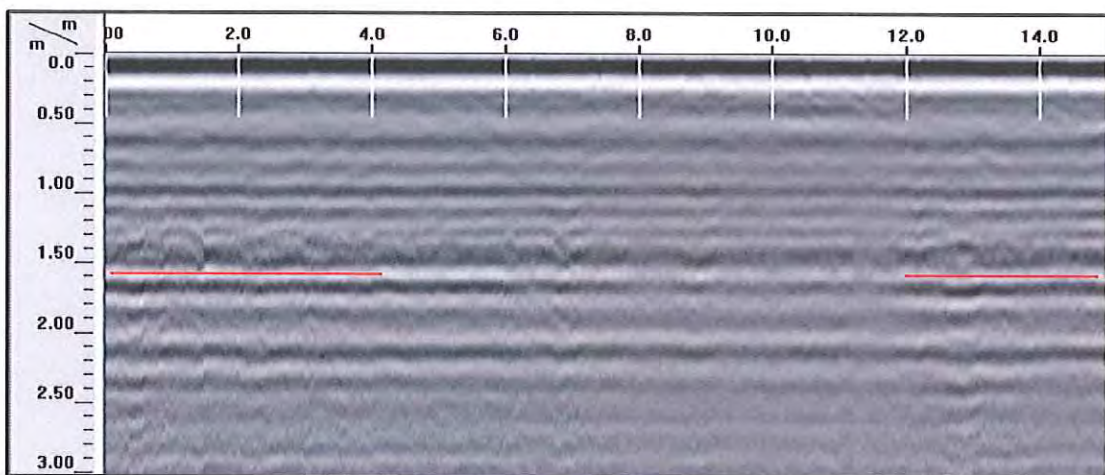


Figure 12: Radar profile corresponding to Transect 35 in Block 1, illustrating subtle reflections of corresponding to rectangular anomaly as indicated by the red lines.

Lexington, KY Longmont, CO Evansville, IN Mt. Vernon, IL  
Shreveport, LA Berlin Heights, OH Knoxville, TN  
Woods Cross, UT Richmond, VA Hurricane, WV Sheridan, WY



August 1, 2016

Mr. David Alley  
Alley Realty and Auction  
2099 Thunderhead Road  
Suite 204  
Knoxville, Tennessee 37923

**RE: Delineation of Mars Hill Cemetery, Knoxville, Tennessee**

Mr. Alley:

From July 27 to July 29, 2016, Cultural Resource Analysts (CRA) archaeologists Paul G. Avery, RPA, and Jason Ross, BA, conducted probing within 10 m of the northern and eastern edges of Mars Hill Cemetery in Knoxville, Tennessee (Figure 1). It is our understanding that plans call for the construction of a residential development on the property adjacent to the cemetery. Our efforts were aimed at determining if unmarked graves were located outside the extant boundaries of the cemetery so that they can be avoided by the proposed construction.

The survey began with a visual examination of the cemetery and the surrounding area. Mars Hill Cemetery is thought to be the final resting place of the victims of the Cavett's Station massacre in 1793 (Figure 2). Eleven members of the Cavett family and two militia members were killed by a combined force of Cherokee and Creek warriors under Doublehead. The cemetery was later associated with the Gallaher View Baptist Church until it moved in the 1890s (Faulkner 2013). The cemetery is located west of Broome Road and north of Doublehead Lane. It is bounded by a residence and shed to the west (Figure 3), two residences to the south, and open pasture to the north and east. The boundary was once marked by a fence, but only the posts remain on the north and east sides (Figure 4). A modern fence separates the cemetery from the residences to the south. The project area extended 10 m north of the northern boundary and 10 m east of the eastern boundary.

The purpose of this investigation was to determine if unmarked graves were present outside the presumed boundaries of the cemetery. In order to accomplish this task, it was necessary to probe the area beyond the limits of the set-aside boundaries of the cemetery. Manual probing is done with a 36 inch to 48 inch stainless steel probe that has a removable case hardened steel tip. The tip of the probe is slightly larger than the shaft, which means that all of the soil friction is on the tip of the probe versus the shaft. This factor allows the operator to distinguish between disturbed and undisturbed soils. Disturbed soils, unless heavily compacted when placed back into an excavated hole, will appear to be softer than undisturbed soils. An experienced operator can distinguish between natural disturbances such as root traces and former stump holes, and essentially read the nature of the disturbance based on its configuration.

Manual probing must be done in a systematic manner in order to accurately identify the grave shafts in a cemetery. Historic graves, particularly Protestant graves, are normally oriented east-west, with the head to the west and the feet to the east. Therefore, probing was conducted along transects that were oriented north-south to maximize the probability of encountering grave shafts. Transects were placed three feet apart, and probing was done at 6 inch intervals along each transect. The interval was increased to 12 inches on transects well away from the marked graves. Once the probing was complete, a sketch map of the transects was prepared and the location of each corner of the project area recorded using a hand-held GPS receiver.

In all, 83 transects ranging in length from approximately 10 m to 44 m were probed over the project area (see Figure 1). The transects in the northern portion extended from the northern property line of the cemetery to the north (Figure 5). A scatter of trash and pockets of vegetation obscured the property line on the north side, but much of this was cleared to allow probing to continue. Two areas, one in the north-central and one on the southeastern end of the northern portion of the project



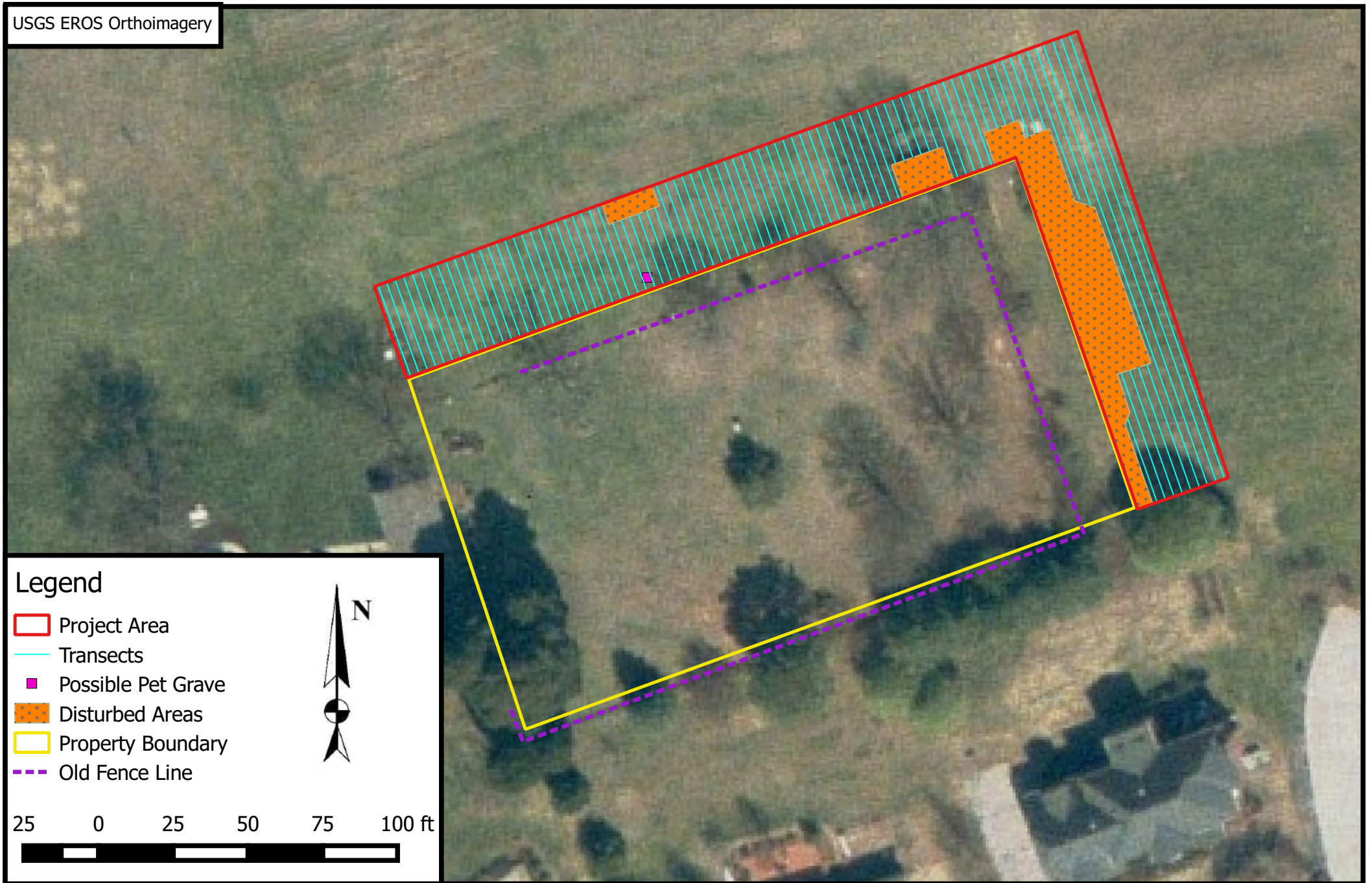


Figure 1. Aerial showing survey methods and results.

area could not be cleared and were avoided. A large pile of debris was located in the north-central area (Figure 6) while the remains of a burned structure were located to the southeast (Figure 7). Much of the eastern portion of the project area was covered by dense vegetation and a scatter of modern trash (Figures 8 and 9). The very eastern edge was cleared and probed, but the vegetation was too thick to be cleared nearer to the eastern property line of the cemetery.

No unmarked graves were located during the current survey. Small areas of soft soil were scattered across the project area, but likely represent old tree roots or rodent burrows. One anomaly may represent a pet burial, as it was small and shallow and located in an area where the current resident of the house to the west of the cemetery indicated that she had buried several dogs. No other anomalies were large enough to be considered as a possible grave. In addition, each of the blue flags placed by the dowser within the project area was checked with the probe. The only one that coincided with any anomaly was one placed in the pet burial. No other indications of any sort of ground disturbance were noted at any of the blue flags.

Although no unmarked graves were located within the current project area, it is recommended that a buffer of at least 10 feet be maintained from the extant fences that mark the cemetery. In addition, caution should be used once construction begins so that any graves beyond the current project area can be avoided. If the extant house on the western edge of the cemetery is to be demolished, great care should be taken in removing the shed, which has intruded onto the cemetery (Figure 10). It is highly likely that there are additional graves beneath that structure. An archaeologist on site to monitor the initial stripping of the property would be a prudent measure to assure that no unmarked graves are disturbed.

Mr. Alley, I appreciate the opportunity to assist you with this project. If you have any comments or questions regarding our work or this report, please do not hesitate to contact me at (865) 202-8091 or [pgavery@crai-ky.com](mailto:pgavery@crai-ky.com). I look forward to working with you again in the future!

Sincerely,



Paul G. Avery, RPA  
Principal Investigator

Enclosure: Figures 1-9

Faulkner, Charles H.  
2013 *Massacre at Cavett's Station: War with the Cherokee in the Late 18<sup>th</sup> Century*. University of Tennessee Press, Knoxville.





Figure 2. Monument to the victims of the Cavett's Station massacre.



Figure 3. Shed on the western edge of the cemetery, facing north.





Figure 4. Fence posts along the northern edge of the cemetery, facing west.



Figure 5. Overview of the northern portion of the project area, facing east.





Figure 6. Debris pile on the northern edge of the project area, facing north.



Figure 7. Remains of a burned structure within the northern portion of the project area, facing south.





Figure 8. Overview of the eastern portion of the project area showing the dense brush along the eastern edge of the cemetery, facing south.



Figure 9. Trash on the ground surface east of the cemetery, facing west.





Figure 10. Extant shed and damaged grave marker on the western edge of the cemetery, facing northwest.



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

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**[MPC Comment] proposed Bentley Estates subdivision**

2 messages

Angie Sayre &lt;angiesayre@comcast.net&gt;

Wed, Jul 6, 2016 at 3:34 PM

Reply-To: angiesayre@comcast.net

To: commission@knoxmpc.org

Dear Ms. Bustin

I'm greatly concerned about a proposed development, Bentley Estates, which would be adjacent to my neighborhood, Cavet's Station. The proposed subdivision, as currently submitted, gives me three primary reasons for alarm.

My first (and frankly, my most selfish) opposition to this property is that it simply doesn't fit the description of a typical West Hills neighborhood. Five years ago, when my husband and I prepared to move from Powell to the west side of Knoxville, we knew precisely where we wanted to live. West Hills. We were drawn to the spacious lots, the mature trees, and the convenience to almost anything. We were also attracted to the unusual best-of-both-worlds West Hills offers: a desirable sense of privacy combined with a strong sense of community. The proposed Bentley Estates design appears more like cluster housing (much like the neighborhood we were quite eager to leave behind), not at all consistent with the style of homes nestled within typical West Hills areas. At a density of 2.66 du/ac, I'm concerned my property value will decline significantly if a development like the one proposed is placed immediately next to my subdivision. Furthermore, I believe it's important to protect the characteristics that make some of Knoxville's most beloved neighborhoods distinct; I picture specific—and very different—types of homes when I hear someone mention Sequoyah Hills, Forest Heights, Lyons View, Island Home, Holston Hills, and of course, West Hills.

My second reason for objecting to the Bentley Estates development is the intrusion on a significant historical landmark. The cemetery that marks those who died at the Battle of Cavett's Station is situated between my neighborhood and the proposed subdivision. If permission is granted for so many houses to be built along that graveyard, I believe we trivialize a piece of our sacred history. My children and I have enjoyed exploring the grounds and contemplating the historical events that took place during the lives of those buried in the cemetery. Our neighbor generously offers us access through his yard any time we wish to visit the graveyard, but I'm concerned that the number of homes squeezed along this portion of the site may make visiting this landmark awkward if not a violation of several future neighbors' privacy.

My final and most significant concern is safety along Broome Road. My oldest child will be eligible for his learner's permit next year, and with two more children following every other year, safety along our access street is of utmost importance to me. Because Broome Road is considerably narrow, I've witnessed numerous cars veering onto the opposite side of the road when rounding the sharp turn to the left of my neighborhood entrance or when cresting the blind hill to the right of my neighborhood entrance. At best, this is a weekly occurrence, if not a daily one. There is virtually no shoulder on either side of the street along the portion of the road where the proposed neighborhood would be built, so there's no safe place to move from harm's way. As hazardous as this situation is currently, I can't imagine adding 353 more average daily vehicle trips, as estimated in the MPC's subdivision report. The number of additional vehicles on the road in addition to the precarious driving behavior frequently observed on either side of the proposed entrance gives cause for reconsideration.

I implore the members of the MPC to please deny the Bentley Estates proposal as it stands. I believe a reasonable compromise would be to decrease the number of homes to fewer than five. This reduction would protect the property value of surrounding neighbors and, more importantly, would prevent significant additional traffic on an already dangerous strip of road. Furthermore, by avoiding any new structures on or near the Cavett's Station graveyard, we can protect a valuable part of Knoxville's rich history.

Sincerely,

Angela Sayre

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

Tim Kuhn &lt;tim.kuhn@knoxmpc.org&gt;

Thu, Jul 7, 2016 at 8:45 AM



7/7/2016

KnoxMPC Mail - [MPC Comment] proposed Bentley Estates subdivision

Reply-To: tim.kuhn@knoxmpc.org

To: Commission <commission@knoxmpc.org>

Good morning Commissioners,

Identical messages from Ms. Sayre were addressed to each commissioner. Only the first addressed to Commissioner Bustin has been forwarded.

Thanks,  
Tim Kuhn

[Quoted text hidden]

[Quoted text hidden]



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

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**[MPC Comment] Bentley Estates**

2 messages

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**Ava Radoff** <aradoff@gmail.com>  
Reply-To: ARadoff@gmail.com  
To: Art Clancy III <commission@knoxmpc.org>

Mon, May 30, 2016 at 12:12 PM

Dear Mr. Clancy:

I am writing this letter regarding the proposed Bentley Estates subdivision on Broome Road in the West Hills area in Knoxville.

My husband and I moved to the Cavet's Station neighborhood in 1989, with our two sons who were in elementary school. As much as we love living in this community, one of the things that concerned us, from the beginning, was traffic safety on Broome Road. The road is very narrow, and it has hills and sharp turns. I cannot tell you how many times I have driven on the street and almost been hit by a car coming from the other direction, because it had crossed the center line. I have often seen cars end up in the ditch on the side of the road when driving on Broome Road towards Gallaher View Road. We never allowed our children to ride school buses since the road is not wide enough for them, and I was concerned for my sons' safety.

The thought of adding 31 more houses to a small piece of property, quite honestly, frightens me. There would, obviously, be a tremendous increase in traffic flow on Broome Road, which, you must agree, cannot accommodate it. Anyone leaving or entering the proposed new development will not be able to see traffic coming from the left, and those traveling on Broome Road will not be able to see cars entering or leaving the "Estates" due to the hill. I cannot fathom how anyone with a conscience could even consider allowing this to happen.

I also have concerns regarding the sinkholes on the property, along with the drainage issues that would, obviously, be created by the building of 31 additional homes. Optimally, no homes should be built on that land. However, if greed and disregard for current residents of the area are to take precedence, I would implore you to limit the number of homes that could be built there to, perhaps, three or four. At least that would limit the amount of damage to the land, and limit the increased traffic flow to a more reasonable amount.

Finally, let us not forget the history of the property. Surely, you are aware of the Battle of Cavett's Station, and the graveyard that is on the property. It would be unconscionable for anyone to violate the sanctity of that cemetery, and dishonor those whose remains are buried there.

Thank you for your time, and, again, I beseech you to do the right thing.

Best regards,

Ava L. Radoff

Every Happy Ending Needs to Have a Start  
Justin Hayward

—

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

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**Tim Kuhn** <tim.kuhn@knoxmpc.org>  
Reply-To: tim.kuhn@knoxmpc.org

Tue, May 31, 2016 at 7:52 AM



To: Commission <commission@knoxmpc.org>

Commissioners,

Seven additional emails, each addressed separately to Commissioner's using the [commission@knoxmpc.org](mailto:commission@knoxmpc.org) address, were received from Ms. Radoff. Because the email body was identical, these were not forwarded to the Commission group.

Tim Kuhn

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Tim Kuhn  
Manager  
Geographic Information Systems  
Knoxville-Knox County MPC  
o. (865) 215-3806  
c. (865) 207-7267

Access thousands of MPC cases at the touch of a button:

<http://www.kgis.org/Maps/MPCCases.html>

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

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**[MPC Comment] Cavett Station Historical Site and Planned Development by David Alley**

1 message

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**Cindy Johnson** <cjohnson@iglide.net>

Mon, Jun 6, 2016 at 10:58 AM

Reply-To: cjohnson@iglide.net

To: "commission@knoxmpc.org" &lt;commission@knoxmpc.org&gt;, "herb@claibornehauling.com" &lt;herb@claibornehauling.com&gt;, "eason.mpc@gmail.com" &lt;eason.mpc@gmail.com&gt;, "mgoodwin.mpc@gmail.com" &lt;mgoodwin.mpc@gmail.com&gt;, "jtocher.mpc@gmail.com" &lt;jtocher.mpc@gmail.com&gt;

Cc: "rep.martin.daniel@capitol.tn.gov" &lt;rep.martin.daniel@capitol.tn.gov&gt;, "mayor@knoxvilletn.gov" &lt;mayor@knoxvilletn.gov&gt;, "county.mayor@knoxcounty.org" &lt;county.mayor@knoxcounty.org&gt;

Date: June 5, 2016

To: MPC Commissioners

From: Cindy Johnson, West Hills resident

I was concerned, along with many other historians and citizens, to hear that 30 row homes were planned for the historic Cavett Station hillside beside the Sons of Revolution monument and old Mars Hill Cemetery at the crest of the hill above the sinkhole. Many in the past have wondered why the site and the cemetery have not been better protected by the city some 223 years later. It meets qualifications for the National Register, which is in process now, and has been designated as a Tennessee Historical Site by TDOT. Preserving and enriching this site in an honorable manner for present and future generations is the only proper remembrance of our heritage.

I talked with Dr. Charlie Faulkner, who wrote the book "Massacre at Cavett's Station," this week. His research provides extensive information about the September 25, 1793 attack when about 1,000 Cherokee and Creek Indians living in a village near Concord passed by Campbell Station to attack Knoxville. The burning of a friendly Cherokee village while Governor Blount was in Washington and a broken treaty prompted the attack. When the Indians heard the dawn cannon blast near James White Fort, they thought they had been discovered and decided to attack Cavett Station. Alexander Cavett's family and a couple of visitors were massacred. Smoke from the burning Station gave John Sevier and other men enough time to gather and prepare for battle. The sacrifice on Cavett Station hillside made quite a difference in the early history of Knoxville, and possibly saved the lives of future Tennessee leaders. It would be the last major battle in East Tennessee between the settlers and Indians. Alexander's brother, Moses Cavett, and his descendants lived on the land



many years. The peaceful hillside has since passed down through the Cavett, Lonas, Broome and Walker descendants and then the Cain family, and the site is visited by those families and historical researchers and school children. I personally am a descendant of the Campbell Station Campbells and have Cherokee blood from three grandparent lines.

Another major concern I have is the safety on Broome Road with 30 homes planned. When I talked with Martin Bradley, a city engineer years ago, he said he knew the road did not meet code. He was able to add more asphalt only at the curve and increase the slope in the curve. I have witnessed many close calls weekly over the years. Neighbors have lost mirrors, and we hold our breath and often stop when passing trucks and landscape trailers and buses. Three times this week someone has crossed the center line approaching me. In the past, cars have dropped a wheel off and overcompensated and come into my lane - one woman broke her wheel.

An incident that stopped my heart was when I rounded the blind 90 degree curve, and I saw three middle school students walking on the road with backpacks almost to the top of the blind hill facing traffic. I could not get up the hill fast enough. Miraculously a car did not come over the hill. I am afraid more traffic will be deadly. I stop when I encounter pedestrians and bikers going around the blind curve.

Thank you for your consideration of these issues. We will be in attendance at the MPC Meeting when the developer, David Alley, is presenting his plan.

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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] Proposed Broome Road Development (Bentley Estates) in the West Hills Community**1 message

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**DivinaM** <mcrew2011@comcast.net>  
Reply-To: mcrew2011@comcast.net  
To: commission@knoxmpc.org

Sat, Jun 4, 2016 at 8:21 PM

A. Clancy,  
L. Cole  
M. Crowder  
L. Johnson  
M. Kane  
S. Smith  
Rev. Lomax  
R. Longmire  
J. Roth

June 4, 2016

My name is Neil Morgenstern and I live at 8330 Alexander Cavet Dr., in the Cavet Station Subdivision. I have lived at this address for the past 12 years. I recently retired as the agent in charge of the Drug Enforcement Administration (DEA) in Knoxville. I am writing this letter to express my deep concerns regarding the proposed development of a new subdivision on Broome Road (Bentley Estates). My concerns are shared by the vast majority of my neighbors in Cavet Station, as well as many who live in the West Hills community. I am confident that you will be hearing from them as well.

As a former law enforcement official, I tend to view things through the prism of public safety. If you are familiar with Broome Road, you know that it is an extremely narrow and winding road. What you may not be aware of is that the width of Broome Road does not meet current safety code standards (by 9 inches). This was confirmed by former Knoxville City Engineer Martin Bradley. To make matters worse, the proposed location of the new subdivision (just north of Cavet Station) is at the base of a blind hill. Furthermore, the plans call for the construction of 30 homes on what amount to a 7 acre tract of land. At an average of two cars per household, this would potentially add an additional 60 vehicles to the daily traffic flow of a road that is already over utilized, too narrow, and dangerous. This would most certainly increase the opportunities for accidents. Many West Hills residents have shared stories of accidents and "close calls" due to the blind hills and curves in the road. We all feel it would be irresponsible to unnecessarily endanger the lives of current and potentially new residents of the community.

Additionally, the homes being proposed for construction do not compliment existing homes established in the community. It is the feeling of many residents that the "cookie cutter" style homes being proposed would adversely affect the property values of those residing in the area.



Lastly, the Mars Hill Cemetery which is the resting place of many of those who fought at the battle of Cavet Station is located on the edge of the property to be developed. We would certainly not want anything done that could potentially disturb the sanctity of this historic location.

I hope that you will consider our concerns, and assist us in coming to a mutually agreeable solution. Thank you for your consideration.

Sincerely,  
Neil Morgenstern  
8330 Alexander Cavet Drive  
Knoxville, TN 37909

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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] RE: Proposed Bentley Estates- 5-SE-16-C**

1 message

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John Holt <johnhlt63@gmail.com>  
Reply-To: johnhlt63@gmail.com  
To: commission@knoxmpc.org

Thu, Jul 7, 2016 at 11:01 PM

Commission,

I note the engineer states that Broome Rd is 22' wide on the attached record. I have not measured it adjacent to the proposed subdivision, but I have measured it uphill and downhill from the entrance of Cavett Station subdivision- it narrows to 16'-4" wide from edge of pavement to edge of pavement, and is up to 18'-6" uphill or north of Cavett station entrance. The sharp curve on the south end is very dangerous, as is the very narrow section between the entrance of Cavett Station and the curve. The short section where I lost a mirror to an oncoming vehicle has 76" of space between the white line which is only partly on top of the pavement and the yellow line in the center. I have photos or can measure this with anyone interested to prove the actual dimensions.

Broome road is a rated as a major collector, and is very dangerous as it is without adding more traffic. I appeal to the commission to consider the danger of adding this much more traffic, and any volume of construction traffic to this road as is.

If this message needs to be passed on to the city traffic engineer, please advise- the code leaves a bit to discretion as to who will actually be responsible for the safety of the existing and potential uses of this road.

Respectfully,


John Holt  
400 Doublehead Lane  
Knoxville, TN 37909  
[865-978-8099](tel:865-978-8099)

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

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 MPC Package June 2016 5-SE-16-C.pdf  
2124K





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

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**[MPC Comment] Broome Road**

1 message

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**Steve & Nancy Pearson** <jstevenpearson@gmail.com>  
Reply-To: jstevenpearson@gmail.com  
To: commission@knoxmpc.org

Tue, Jul 12, 2016 at 8:16 PM

Re: Proposed development at Broome Road in West Hills. MPC file no. 5-SE-16-C

Dear MPC Commissioners,

David Alley has submitted a concept plan to develop 30 houses on Broome Road near Chadwick Rd. They are proposing very small lot sizes, inconsistent with the entire West Hills neighborhood. We live on adjacent property and have several concerns.

The property is adjacent to the historic Mars Hill cemetery. Apparently there is strong historical evidence that many graves lie outside the official property line of the cemetery. We trust that the development will not be approved until thorough testing has identified the true scope of the cemetery.

The addition of approximately 150 – 250 car trips per day on narrow, dangerous Broome Rd is alarming. There are near misses almost daily coming up Broome Road from Gallaher View Rd up to Chadwick. Large vehicles cannot pass each other on this narrow road – it is only 16 feet wide at its narrowest point! And there are no shoulders, only steep drop-offs into ditches on both sides. We feel that improvements must be made to Broome Road regardless of this development, but 30 new houses certainly should not be built until the road is improved.

Thank you for considering the concerns of the West Hills community about this proposed development.

Sincerely,

***Steve Pearson***

8301 Alexander Cavet Dr.

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



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

**[MPC Comment] Bentley Estates; No. 5-SE-16-C; August 11, 2016**

1 message

**Mark Jendrek** <mjendrek@utk.edu>  
Reply-To: mjendrek@utk.edu  
To: commission@knoxmpc.org, tom.brechko@knoxmpc.org

Mon, Aug 8, 2016 at 12:11 PM

Ladies and Gentlemen:

On Thursday, August 4, 2016, a Ground Penetrating Radar survey was undertaken of a portion of the property north of the "boundary" of the Mars Hill Cemetery. This is within the area covered by the Concept Plan for Bentley Estates, a matter to be heard on August 11, 2016.

The results of that survey establish that there are burial sites in the area outside the line of fence posts that has come to be accepted as the formal cemetery boundary. That means these burial sites are within the proposed subdivision area.

The complete number and location of those burial sites should be determined using Ground Penetrating Radar and then incorporated into any Concept Plan before such a plan is approved. It should not be merely a condition of an approved plan, but should be incorporated into the plan prior to submission. Without that information, any proposed plan is incomplete.

Please see my attached letter and the results of a Ground Penetrating Radar survey of a portion of the subject property north of the Mars Hill Cemetery "boundary." Ground Penetrating Radar is the most accurate and reliable technique for locating unmarked burial sites.

Thank you very much.

Mark Jendrek

--  
Mark Jendrek, PC  
800 South Gay Street, Suite 1900  
Knoxville, Tennessee 37929  
[865-824-1900](tel:865-824-1900)

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



**Letter to Commissioners - email version with GPR Report.pdf**

1760K

# Mark Jendrek, P.C.

ATTORNEY AT LAW  
800 SOUTH GAY STREET  
SUITE 1900  
KNOXVILLE, TENNESSEE 37929

865/824-1900  
865/824-1910 FAX

ALSO ADMITTED IN MARYLAND

August 8, 2016

REPLY TO:  
P.O. BOX 549  
KNOXVILLE, TENNESSEE 37901  
E-MAIL TO: mjendrek@gmail.com

*Via email and First Class Mail*

Commissioners  
Knoxville-Knox County Metropolitan Planning Commission  
400 Main Street, Suite 403  
Knoxville, Tennessee 37902

Re: Bentley Estates; File No. 5-SE-16-C; Agenda Item #8; 08-11-2016

Ladies and Gentlemen:

Having served on the Planning Commission myself more than 10 years ago, I know that some Commission members are busy and do not have time to read long letters. I also know that others have a little more time and might be interested in more detail. This letter hits the highlights. The Addendum enclosed with the snail mail version provides the details.

A significant issue with respect to the Bentley Estates Concept Plan is the proximity of the project to the Mars Hill Cemetery, an area that has been used for burials since the 1700s, and for which there is no historical, definitive boundary. Sure, there is a line of old fence posts, but please remember that back in the 1800s there were lots of folks who were considered second class citizens and were not allowed to be buried "inside the fence" as a result of that status.

We've come a long way since those days and, the findings of an August 4, 2016 survey of an area north of that line of fence posts establish that there are burial sites on the other side of that fence.

Last Thursday, two Ph.D. students, along with a retired University of Tennessee Anthropology professor, surveyed a portion of the area north of the old fenceline using Ground Penetrating Radar, the most accurate and reliable method of locating underground anomalies. Their equipment has located burials more than 20 feet outside the northern boundary of the cemetery. A copy of their data and a discussion of that data are enclosed.

**The Bentley Estates Concept Plan should not be approved, either outright or conditionally.** A full and complete survey of the area surrounding the cemetery should be performed using Ground Penetrating Radar in the hands of independent investigators, before approving any plan for this tract that does not, on its face, take into consideration the treatment of those who are buried outside the line of fence posts. Without such a survey, there is no accurate way to know the number and location of those burials and any Concept Plan that fails to incorporate that information will be inadequate and fatally flawed.



I urge you to do the right thing and do not perpetuate the same discriminatory practices from the 1800s that caused people to be interred "outside the fence." The ground beneath which they are buried is every bit as hallowed as the ground inside the fence and deserves the same protection.

As an additional matter, in a meeting of the West Hills Association with Mr. Alley, and in more than one meeting with several of the adjoining property owners, Mr. Alley has promised buffering in the form of a soil berm and vegetative screening on all lots adjoining Cavett Station subdivision and West Hills subdivision. This, along with how the run-off from the berm will be addressed, should appear on the Concept Plan before it is approved. No mention of either is made on the current Concept Plan.

The home in which my family and I have lived for 25 years is adjacent to the southern boundary of the Mars Hill Cemetery. We have taken care of it for quite some time, mowing the grass, string-trimming around the grave markers, etc. More recently, other homeowners in the Cavett Station subdivision have pitched in and helped with this maintenance. In 1994, I had two UT students research the cemetery, and discovered its rich and unique history.

Twenty years ago, I installed a gate in the fence along my property boundary to provide a more convenient access for folks visiting the cemetery. I have met people from Wisconsin, Texas, and many points in between who were searching for their relatives. I have also met a number of home-schooling parents bringing their children to the Mars Hill Cemetery as a part of their Tennessee History curriculum.

It is truly a remarkable place that deserves a further an complete investigation that will provide protection of the entire area of burial sites, and not just those "inside the fence."

Thank you for your consideration.

Very truly yours,



Mark Jendrek

*enc*



**ABSTRACT OF A GROUND PENETRATING RADAR SURVEY  
OF A LIMITED AREA NORTH OF THE MARS HILL CEMETERY**

Ground Penetrating Radar was used to survey a limited area north of the Mars Hill Cemetery off Broome Road in West Knoxville. Portions of the cemetery were surveyed first to determine the shape and size of known burial shafts. Areas outside the formal cemetery boundary that were accessible to the GPR equipment were then surveyed. Formations or “anomalies” identical in shape and size to the known burial shafts were discovered extending from 10 to 23 feet beyond the northern boundary of the cemetery. The number and extent of these anomalies were unable to be determined because of the brush, felled branches, and debris on the ground preventing the use of the equipment in all areas north of the cemetery.

None of the area east of the Mars Hill Cemetery was surveyed as the overgrowth of brush, along with other debris, completely prevented the use of the GPR equipment in that area.

It is recommended that the area north and east of the cemetery be sufficiently cleared to allow the GPR equipment access to that area such that a comprehensive GPR survey of the entire area around the north and east sides of the cemetery can be performed. This is the only reliable way to determine the location and number of burial sites outside the formal boundaries of the cemetery.

A more detailed report follows.

## **GROUND PENETRATING RADAR SURVEY LIMITED AREA NORTH OF MARS HILL CEMETERY**

This survey of a small area north of the line of fence posts on the north side of Mars Hill Cemetery was undertaken on Thursday, August 4, 2016. The goal was to determine whether there may be burial shafts outside that line of fence posts. Ground-Penetrating Radar (“GPR”) was used to determine soil disturbances and the length, width, and depth of any disturbances discovered. GPR is the best form of remote sensing, the only exception being if the clay content of the soil is too high. The soil in the area surveyed was not an impediment to the proper functioning of the equipment.

The report is discussed in terms of “anomalies” because without excavation, there is no certainty that the anomalies detected are actually burial shafts. Prior to surveying the grid area, however, several known burial sites inside the cemetery boundary<sup>1</sup> along with a portion of the cemetery where no markers are present were reviewed. The size and shape of those anomalies were noted in order to search for any anomalies consistent with that size and shape outside the cemetery boundary. The size and shape of any anomaly outside the boundary of the cemetery matching the size and shape of known burial sites within the cemetery should also be a burial site.

The primary grid surveyed was 10 x 20 meters, and was north of the cemetery boundary, basing that boundary on the line of old fence posts on the north side. The southern edge of the grid was located approximately 5 meters north of, and parallel to, that boundary.

The survey of the grid area indicated significant anomalies in the southwestern portion of the grid. At one location, the grid was extended approximately 3 meters into an accessible area as a result of anomalies detected that were consistent in size and shape with those of known burial sites within the cemetery.

Figures 2 and 3, which are oriented with north to the bottom, show those anomalies extending almost 23 feet beyond the northern boundary of the cemetery. The top of the gridlines on Figures 2 and 3 is approximately 2 meters north of the northern line of fence posts. The anomaly most distant from the northern cemetery boundary in the limited area surveyed is approximately 7 meters from that boundary—essentially more

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<sup>1</sup>When the term “boundary” is used in this report, it refers to the line of old wooden fence posts along the north side of the cemetery. No formal survey work was performed to establish a boundary line by measurement. A true boundary of a burial ground would be beyond wherever there are burials.

than 20 feet beyond the northern boundary of the cemetery, and out into the field. Others may exist a greater distance beyond the northern boundary in locations not surveyed. Based on a review of the proposed subdivision plan, this could be in the area of the access road or within the area of one or more lots.

The radar equipment was also run in the few other accessible areas north of the northern line of fence posts. Anomalies extend in these locations at least 10 feet beyond the line formed by those posts. In some places those anomalies extend as much as 20 feet beyond the fence posts out into the field.

Other areas along the northern boundary could not be surveyed as a result of the trash, brush, branches, and other debris on the ground, prevented proper use of the GPR equipment.

The area outside the eastern boundary of the cemetery was not surveyed at all. Again the trash, brush, and other debris preventing the proper use of the GPR equipment in that area. Any anomalies existing outside the east cemetery boundary will be within one or more of the designated subdivision lots.

In short, the Ground Penetrating Radar survey of a limited area outside the cemetery boundary indicated anomalies more than 20 feet outside the northern boundary of the cemetery that are consistent with the shape and size of known burial sites within the cemetery, and most likely represent additional, unmarked burial sites outside the cemetery boundary.

Given the presence of the anomalies discovered in the small area surveyed, and the size and shape of those anomalies being identical to those known burial sites within the formal boundary of the Mars Hill Cemetery, a proper survey of the entire area outside the northern and eastern boundaries of the cemetery should be undertaken using GPR. Completing such a survey will necessitate clearing the trash, brush, and other debris from those areas in order to allow the proper functioning of the GPR equipment. This is the only reliable way to determine the extent of unmarked burials outside the formal cemetery boundaries.

There are clearly burial sites outside the fenced area of the cemetery. Further GPR survey work should be done to determine the extent and location of those burial sites.

Figures follow.



Mars Hill Cemetery  
GPR Survey  
8-4-2016  
Daniel Brock



**Figure 1. General location of survey area (10 x 20 m grid ~5m north of cemetery fenceline.)**

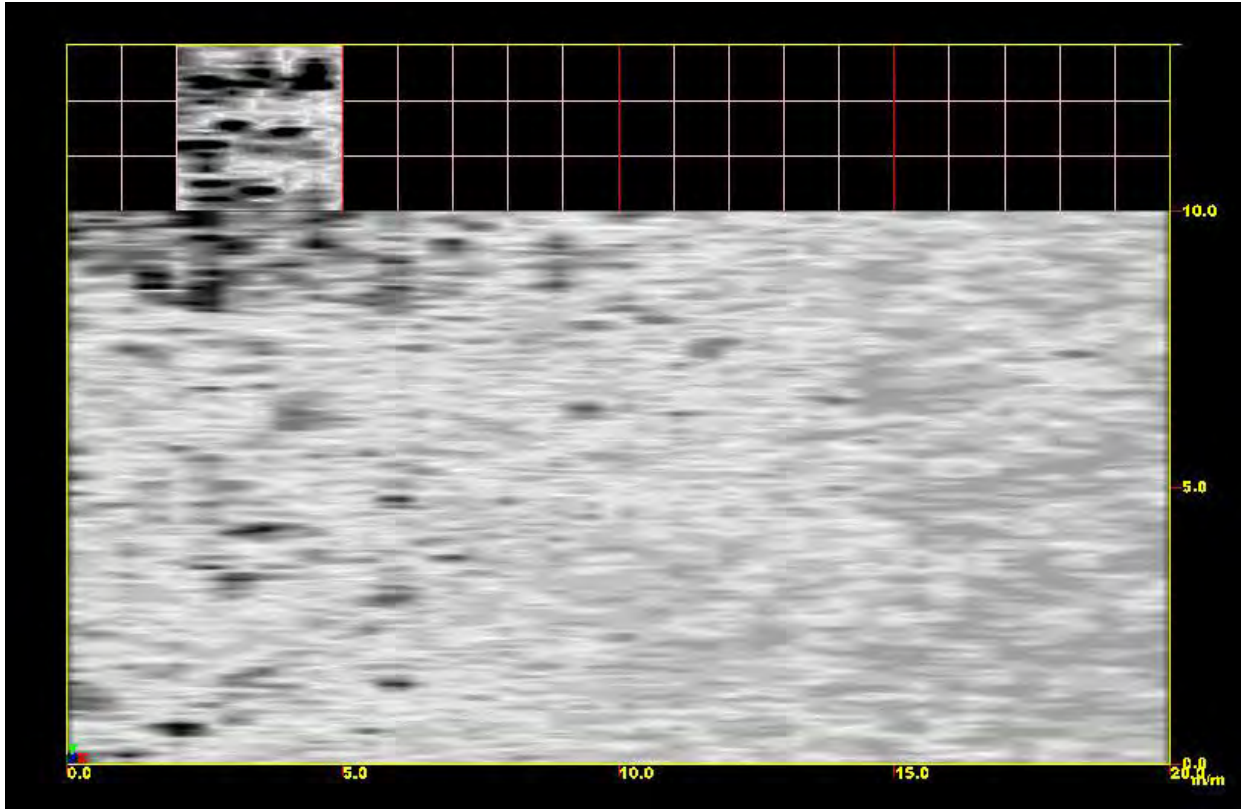


Figure 2. GPR planview at ~20cm below surface. Note: cemetery fence is ~2m south of 3 x 3 m grid extention.

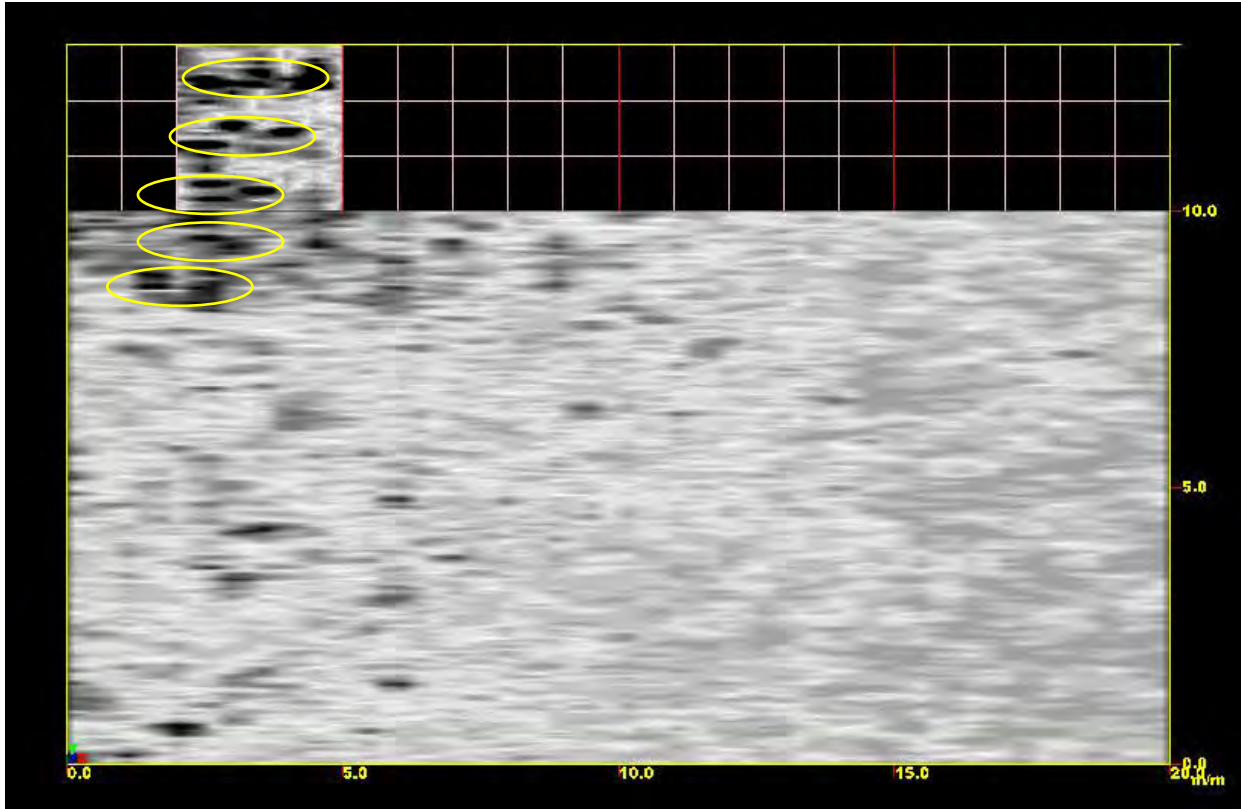


Figure 3. GPR planview at ~20cm below surface showing highlighted anomalies.



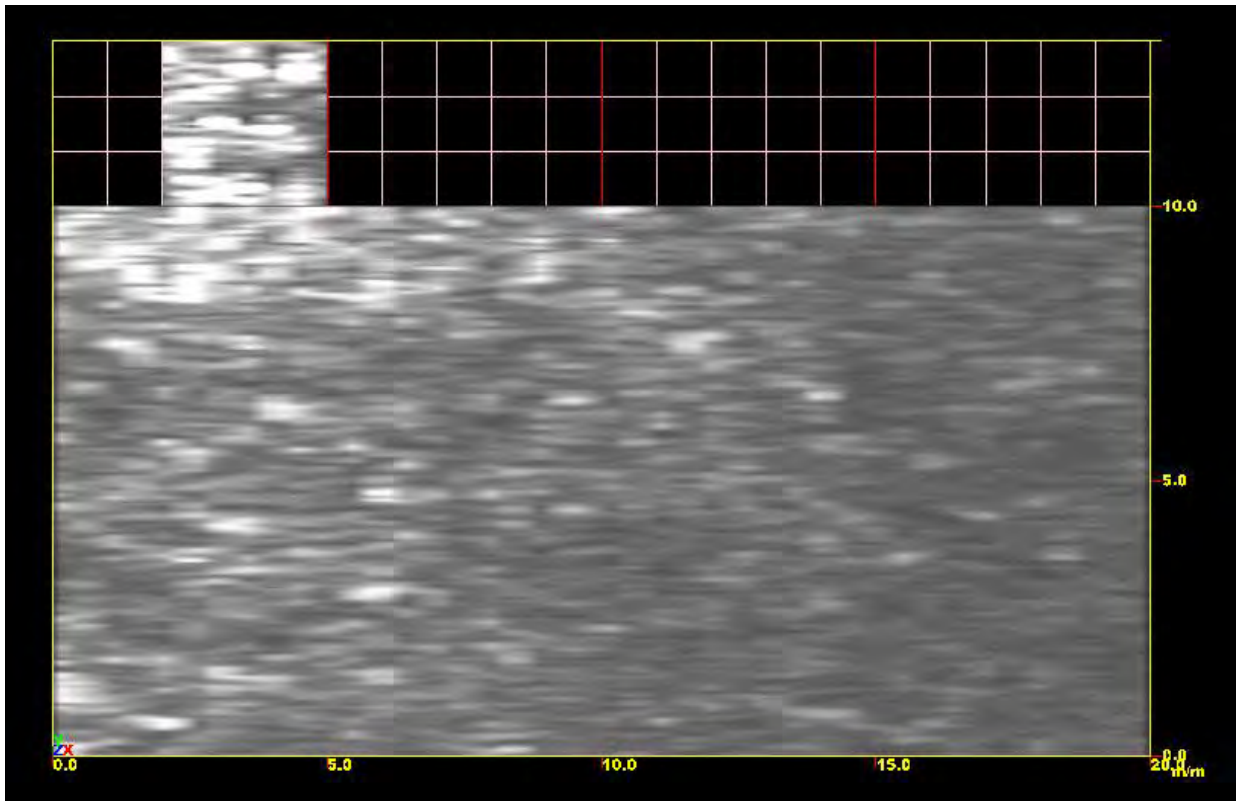


Figure 4. GPR planview at ~20cm below surface.

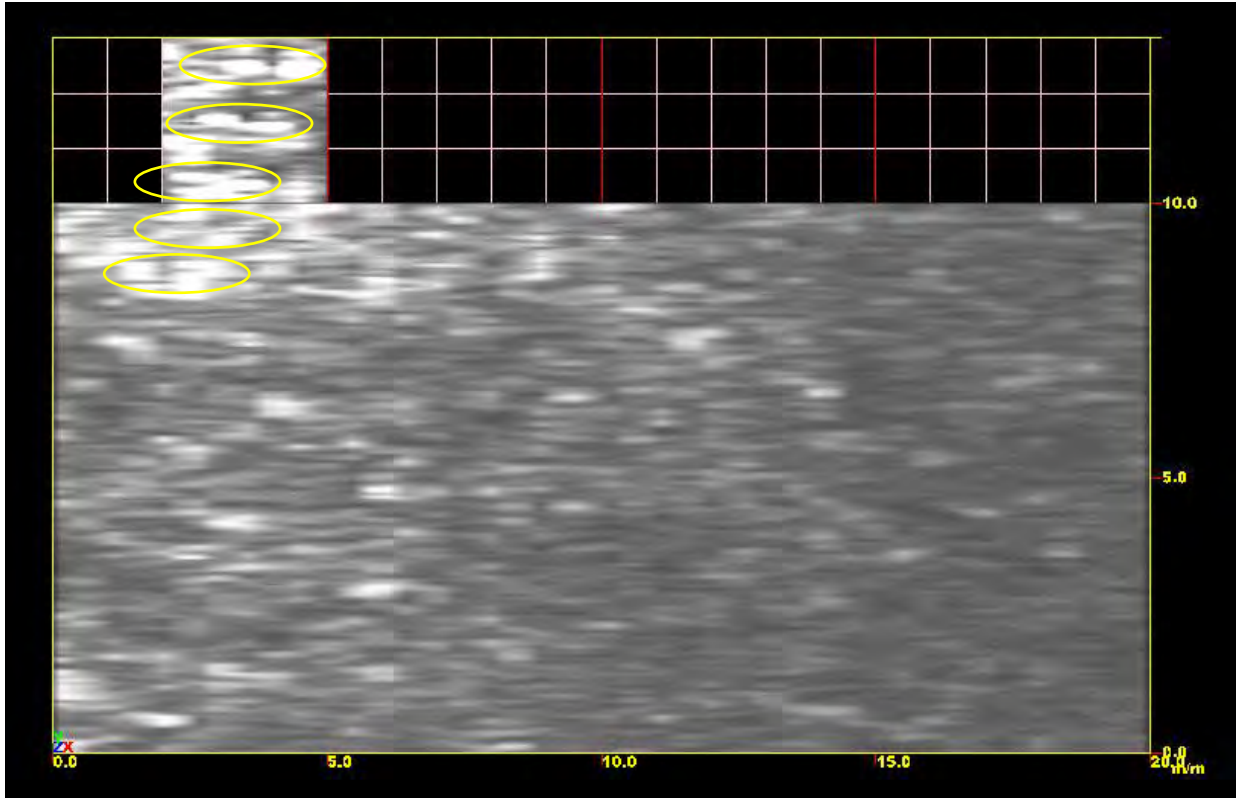


Figure 5. GPR planview at ~20cm below surface with highlighted anomalies.

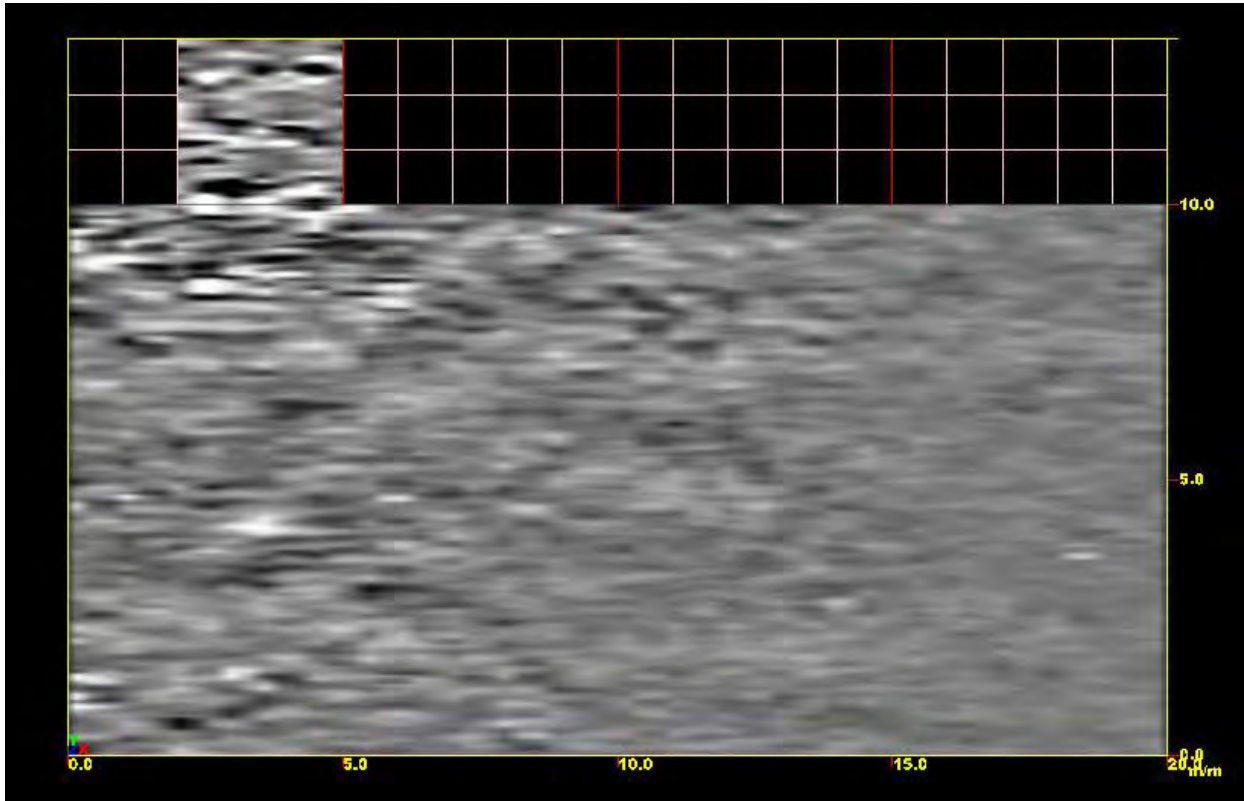


Figure 6. GPR planview at ~20cm below surface.





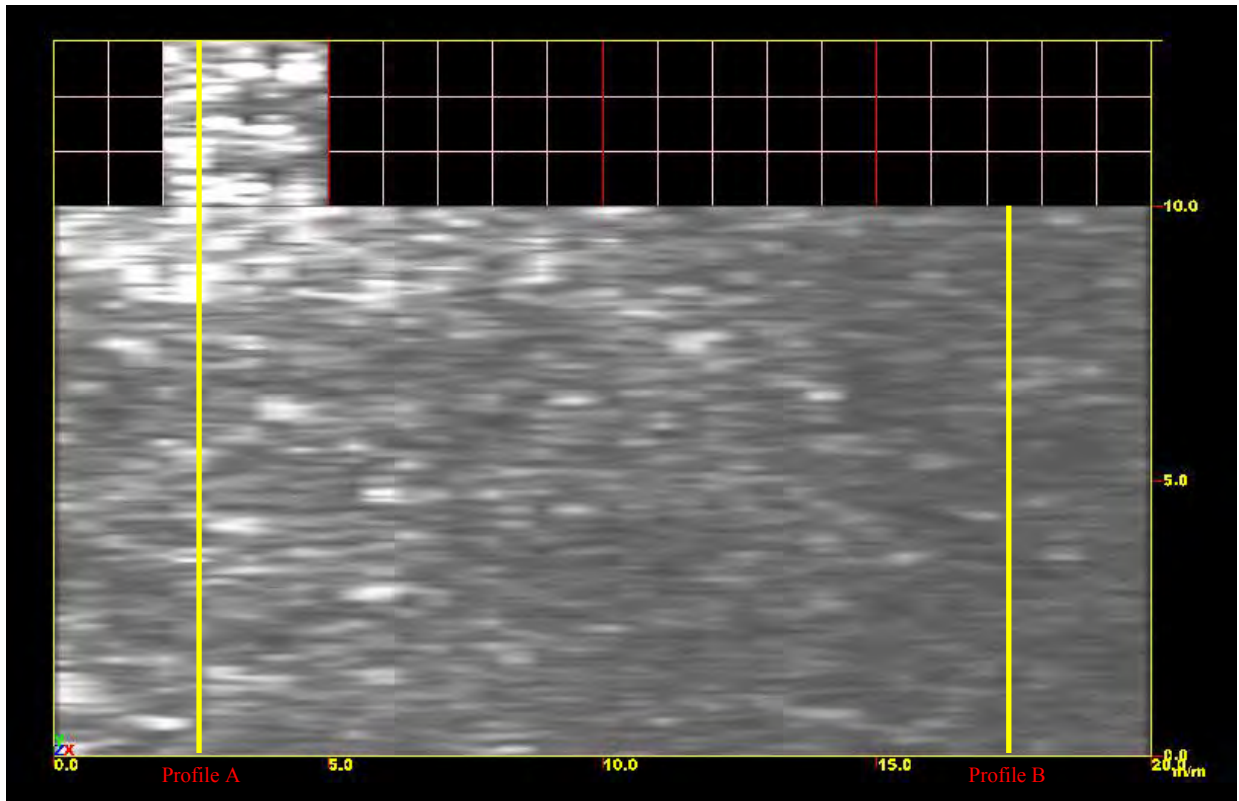
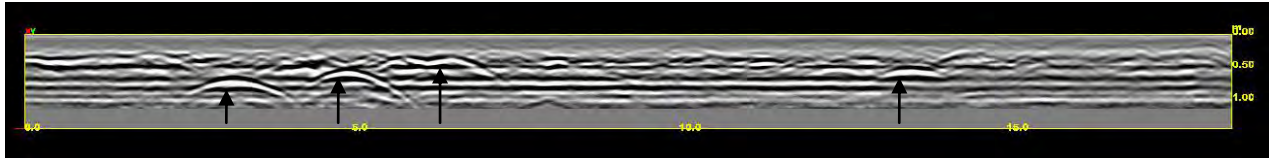
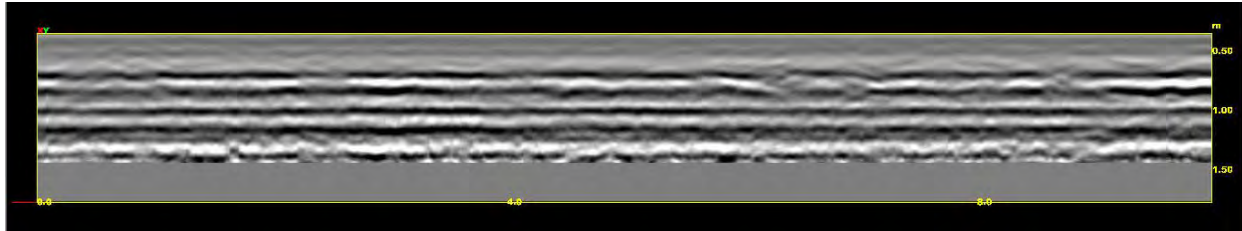


Figure 8. GPR planview with profile locations.

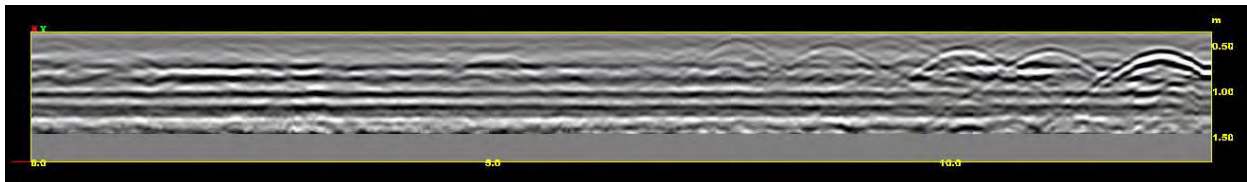
**Figure 9. GPR profile highlighting anomalies over known graves within the cemetery.**



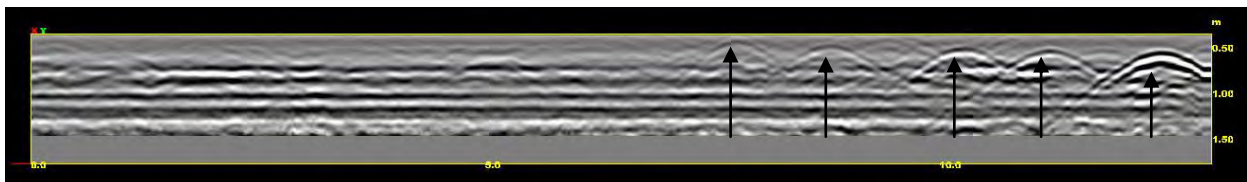
**Figure 10. GPR Profile B showing lack of anomalies (facing east).**



**Figure 11. GPR Profile A showing anomalies consistent with signatures seen within the cemetery's boundaries (facing east). Note: cemetery fence ~2m towards right (south) of profile.**



**Figure 12. GPR Profile A highlighting anomalies consistent with signatures seen within the cemetery's boundaries (facing east).**







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

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**[MPC Comment] Proposed Bentley Place Subdivision**

1 message

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**'LMD' via Commission** <commission@knoxmpc.org>  
Reply-To: lmdelozier@yahoo.com  
To: "commission@knoxmpc.org" <commission@knoxmpc.org>

Sun, Aug 7, 2016 at 1:18 PM

Greetings Commissioner Bustin,

My name is Linda DeLozier, and I have lived in Cavet Station subdivision for almost twenty-four years. During that time, I have seen numerous accidents on Broome Road. The foliage on the north side of the subdivision entrance blocks a driver's view until they actually pull out in the road. Some of the dangers of the sharp curve coming from Gallaher View Road have been mitigated by a mirror allowing drivers and pedestrians to see what is coming toward them, but I have had some narrow misses from cars coming around the curve over the center line.

When driving on Broome Road toward Middlebrook Pike the hill at the proposed Bentley Place subdivision is another hazard because the road is so narrow with ditches on both sides instead of a shoulder. If a driver is a few inches over the center line, there is no place for an oncoming driver to go to avoid an accident. Nothing has been done to decrease the danger.

Even with the proposed deceleration lane, there is no place for a school bus that is southbound on Broome Road to safely stop and load/unload children. Any child crossing Broome Road will be in grave danger from northbound drivers cresting the blind hill as there will simply not be enough time to stop, given the sight distance from the hill to the entrance to Bentley Place.

My home backs up to Broome Road. During even light snow and icing, I have seen southbound drivers slide off the road because it is so narrow. The ninety degree curve claims one or two cars during light snow and ties up traffic for all residents. Many times these accidents are not reported to any law enforcement because the drivers call a wrecker to pull them out of the ditches since there are accidents caused by the snow and ice all over Knoxville.

The proposed Bentley Place subdivision of thirty plus lots has minimal setbacks. If only one grave is found outside the current boundaries of the cemetery, it will encroach on a lot as currently proposed. Thirty plus houses will add a significant load to the traffic on Broome Road and increase the daily danger of driving there.

I respectfully ask you to not approve the developers' plans for this subdivision for thirty plus lots but to reduce the number of lots allowed to something which will not so drastically increase the hazards on Broome Road, maybe to fifteen to twenty lots. I am asking you to not allow making our neighborhood less safe by significantly increasing traffic on Broome Road which is unable to safely handle the current traffic load. The extension of Gallagher View Road to Middlebrook Pike provided some relief for Broome Road. Please don't return us to the previous heavy traffic we had to deal with.

Thank you for your time in reading this.

Sincerely,

Linda M. DeLozier

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

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**[MPC Comment] Proposed Benetley Fields or Bentley Estates**

1 message

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**Martha Jean Bratton** <MJBratton@bellsouth.net>

Sun, Aug 7, 2016 at 3:09 PM

Reply-To: mjbratton@bellsouth.net

To: commission@knoxmpc.org

We live about 3/10 of a mile from Broome Road and close to the proposed subdivision, Bentley Fields or Bentley Estates. There are 30 small lots and houses proposed for his property. We are seriously concerned about the proposed development of too many houses on small lots emptying on Broome Road.

Our address is 812 Westborough Road. We frequently use Broome Road when we are heading west. Our major objection to this development is increased traffic on Broome Road. The proposed development empties onto Broome Road with only one entrance. All of Broome Road is too narrow, but the western part is the worse and that is where this traffic will empty on Broome Road. Broome Road has no shoulders and in some places on the western end there are deep ditches. If you fall into a ditch you will not get out without wrecker service.

I have been nearly sideswiped several times. If you add 30 houses, that is at least 60 vehicles which will be entering Broome Road every day, sometimes multiple times a day, including a few 16-year olds sprinkled in. We understand that the city has no plans for improving Broome Road.

We would be less concerned if there were fewer houses proposed in this property. Please do not support the development of this property as proposed.

Sincerely,

Sam and Martha Jean Bratton

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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] Proposed project

1 message

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**Allen Douglass** <panda8005@gmail.com>

Sun, Aug 7, 2016 at 6:53 AM

Reply-To: panda8005@gmail.com

To: commission@knoxmpc.org

The Bentley Estates," 5-SE-16-C, east side of Broome Road, south of Chadwick Drive. Please consider not approving this proposal. As a resident of West Hills, 30 homes on this property is denser than any property in West Hills and not consistent with a residence in our neighborhood.

Allen Douglass  
Corteland Dr  
Allen Douglass  
Sent from my iPhone

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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] The proposed development at Cavett's Station**

1 message

Matt Bratton &lt;mattbrattn@gmail.com&gt;

Wed, Aug 10, 2016 at 6:29 PM

Reply-To: mattbrattn@gmail.com

To: "commission@knoxmpc.org" &lt;commission@knoxmpc.org&gt;

Commissioners:

I write to you in opposition to the proposed development on Broome Rd. at Cavett's Station.

I have a new home in West Hills at 7300 Stockton Drive. One reason I choose West Hills was because it is a stable neighborhood with large lots. The proposed development of Bentley Fields or Bentley Estates is not in keeping with the West Hills neighborhood. It is far too many homes on small lots.

Additionally, Broome Road is not adequate to accommodate the traffic of 30 additional homes. I often travel to Middlebrook Pike this way. Broome is narrow, has no shoulders and many curves.

Finally, I am concerned about disrupting an important historical site at Cavett's Station. This development would be on top of a site that deserves preservation. I believe we do our East Tennessee forebears a disservice by allowing the site of the Cavett's station massacre to be casually upturned for a profit. They may well "roll over in their graves", which are not incidentally located on the same property.

I appreciate your attention and hope you will consider my words as you make your decision.

Respectfully,  
Matt Bratton

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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] 8/11 Bentley Estates proposal & Broome Rd.**

1 message

Angie Sayre &lt;angiesayre@comcast.net&gt;

Wed, Aug 10, 2016 at 5:45 PM

Reply-To: angiesayre@comcast.net

To: commission@knoxmpc.org

Dear Commissioners,

I'm a resident of Cavet Station Subdivision, which lies adjacent to the proposed Bentley Estates subdivision to be discussed at tomorrow's MPC meeting. I'd be so grateful if you'd take a moment to view these photos taken from the entrance of my neighborhood. The first one demonstrates the path if I were to turn right; the entry to the proposed development would be placed between my neighborhood entrance and just before or after the blind hill you can see in the photo. It is not uncommon for drivers to crest the hill at a rapid speed, quite often veering onto the opposite lane. If Bentley Estates is developed and the entrance is between the hill and my neighborhood entry, I suspect drivers will make left-hand turns as quickly as possible to avoid being hit by cars coming atop the hill (that they can't see) and therefore will speed past my neighborhood entrance. If the entry is placed just beyond the blind hill in the photo, there isn't much time for Bentley residents to turn left before traffic is cresting the hill from the opposite direction. Either scenario creates an incredibly dangerous situation.

The second photo demonstrates the blind curve to the left of my entrance. Attaching an entrance to a large subdivision to this especially hazardous stretch of road seems misguided. I already have tremendous concerns about the safety of Broome Road...before adding the number of trips per day this development would create: 353 more average daily vehicle trips, as estimated in the MPC's subdivision report. If a subdivision is permitted to be built, my suggestion would be to decrease the number of homes significantly in the proposed development to lesson the amount of traffic and the likelihood of accidents.

Thank you for taking the time to consider my concerns.

Sincerely,

Angie Sayre







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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] The proposed development of Bentley Fields or Bentley Estates**

1 message

SARAH BRENGLE &lt;sarah.brengle@knoxschools.org&gt;

Wed, Aug 10, 2016 at 4:53 PM

Reply-To: sarah.brengle@knoxschools.org

To: "commission@knoxmpc.org" &lt;commission@knoxmpc.org&gt;

My family lives on Chesterfield Drive. We use Broome Road daily to drive to our schools, Hardin Valley and Ball Camp daily. We are seriously concerned about the addition of 30 houses on small lots exiting on Broome Road. Broome Road is narrow and crooked. It has no shoulders and deep ditches in some places.

We are also concerned about the density of the homes proposed. The lots are far smaller than those in West Hills. We think it is not appropriate for the neighborhood. It is likely that 30 homes would seriously impact West Hills Elementary School. We would support far fewer homes on these lots.

We are also concerned about the historic site at Cavett Station. This is not something to be dismissed as it is a serious concern.

Please do not vote to support the proposal for Bentley Fields or Bentley Estates.

Rob and Sarah Brengle  
7925 Chesterfield 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] 5-SE-16-C Bentley Fields**

1 message

Ashley C. Williams &lt;acwpacs@gmail.com&gt;

Wed, Aug 10, 2016 at 3:31 PM

Reply-To: acwpacs@gmail.com

To: commission@knoxmpc.org

Good afternoon Ladies and Gentleman.

My name is Mr. Ashley C. Williams, I live at 522 Broome Road just a few hundred feet from this parcel. I am the President of the West Hills Community Association. I have met with David Alley on his request several times. I have given him dedicated time at our Community meetings to discuss this project.

During those meetings David was asked many times questions regarding the project that would determine the outcome of the project. Simple questions like " who will the developer be". He refused then and continues to refuse to answer that question.

I feel I have been very professional in regards to his requests. I have waited until the results of Both David Alley's tests as well as Mark Jendricks tests have been submitted to you before e-mailing you.

Let me be up front and honest, I am against this project for many reasons. Most of which appear in e-mails already submitted.

However, the main reason is this. In the 1700's and 1800's certain lives were not valued as much as others. Slaves to be point blank. The white man were not the only ones to hold slaves ( free or not) Indians did as well. It is a historical fact that in those times slaves were buried outside of the white mans cemetery. I am not here to dispute history. I am seeing two different results from 2 tests on the property.

David Alley's test is a core Sampling. A rod is inserted into the ground to determine "resistance". It was done at random intervals throughout the property. It came up with dead animals.

The other test is the most advanced test man can perform in this day in age. Ground Penetrating Sonar. It shows exactly what is ( or is not) underground. It's test shows undeniable human remains.

So, I ask you this. Which test would you be willing to make your decision on, Resistance or Pictures.

I ask of you this, Please consider making it a Requirement that the entirety of the parcel have Ground Penetrating Sonar performed on it rather than stopping the project if a body is discovered. Anything less would be like treating anyone who is /is not buried in that field the same way they were treated 200 years ago.

With the cost of legalities involved as well as the cost in general to remove bodies and give the correct burial they deserve, would it not be in the best interest of the developer to know up front exactly what is below ground, rather than finding out the hard (expensive) way?

Ashley C. Williams

Thank you for your time and attention to this matter.

Ashley C. Williams

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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] Comments regarding 6-SC-16-C and 6-J-16-UR**

1 message

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Austin Albright <austin.albright@gmail.com>  
Reply-To: austin.albright@gmail.com  
To: commission@knoxmpc.org

Wed, Aug 10, 2016 at 12:25 PM

To the Metropolitan Planning Commission,

Attached are my comments and suggestions with regards to the purposed subdivision on North Campbell Station Rd. tentatively named "The Highlands at Hardin Valley", File/Case Numbers: 6-SC-16-C and 6-J-16-UR.

Thank you for your time and attention.


Respectfully,  
Austin Albright  
[austin.albright@gmail.com](mailto:austin.albright@gmail.com)

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

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 Pitts Spring - MPC cases 6-SC-16-C and 6-J-16-UR.pdf  
1349K

To the Knox County Metropolitan Planning Commission (and Developer):

In regards to – File Number: 6-SC-16-C, Associated Case: 6-J-16-UR

Pitts Spring has existed as a subtle fixture of the Hardin Valley area for over 75 years. Where is Pitts Spring? It is the spring on the farm that is the future home of a 50 lot subdivision tentatively named as "Highlands at Hardin Valley." This location has been listed on the US geological survey topographic map of this area as Pitts Spring since 1940, Figure 3. In fact in the book, "Images of America: Concord-Farragut" by Doris Woods Owens and Kate Clabough [1] there is a picture of Ms. Susan Pitts and her mailman "Walter Woods" standing in front of the spring and house that is still on the property today, Figure 1.

Susan Pitts of North Campbell Station Road in Hardin Valley is pictured with Walter Gordon Woods, her mail carrier for 47 years. After his retirement, he often stopped by to stop by to chat with former patrons. Pitts is standing under the tree that shaded her spring. It was this place that Woods chose for a rest stop in the early days with his horse and buggy. (Courtesy of James Welch Woods.)



From: Images of America, Concord-Farragut by Doris Woods Owens and Kate Clabough, Arcadia Publishing, Mar 2009, page 44

**Figure 1. In the background of the left-hand picture of Susan Pitts and Walter Woods is the Pitts' home [1]. In right-hand picture, the same tree with its swept back tapper (behind Ms. Pitts in the left-hand image, center of the right-hand image) is visible and of course the home. Notice in the right-hand image the house is built on a rubble foundation, indicative of its significant age.**

Additionally, paralleling the current Campbell Station road is the original wagon road that existed before there was ever a Campbell Station road. While not obvious from a USGS topographical map it is clear from viewing the property in person that it is 6 to 10 feet below the natural lay of the land and 10 to 14 feet in width with a relatively flat bottom – a clearly manmade feature. It also happens to perfectly align with what is marked as an unimproved road on the 1935 topographical map of the area. A fact, that is clearly evident from the high resolution digital elevation data collected for and publicly available through the Knox County Geographic Information Systems (KGIS) office. In this terrain data the resolution is of such significant quality that it is easily discernible that it is not a ravine or drainage worn by torrential rains, but a non-natural feature. The current North Campbell Station Rd. came to exist on USGS topographic maps in 1940, the same time the area began being identified as "Pitts Spring" on the USGS maps as well.



The point I would like to make is **not** that the development should be prevented, but that Pitts Spring and the wagon road should be preserved. The most recent public filings indicated that there is some consideration to protecting the spring being given, but the presence of the old roadbed has been overlooked.

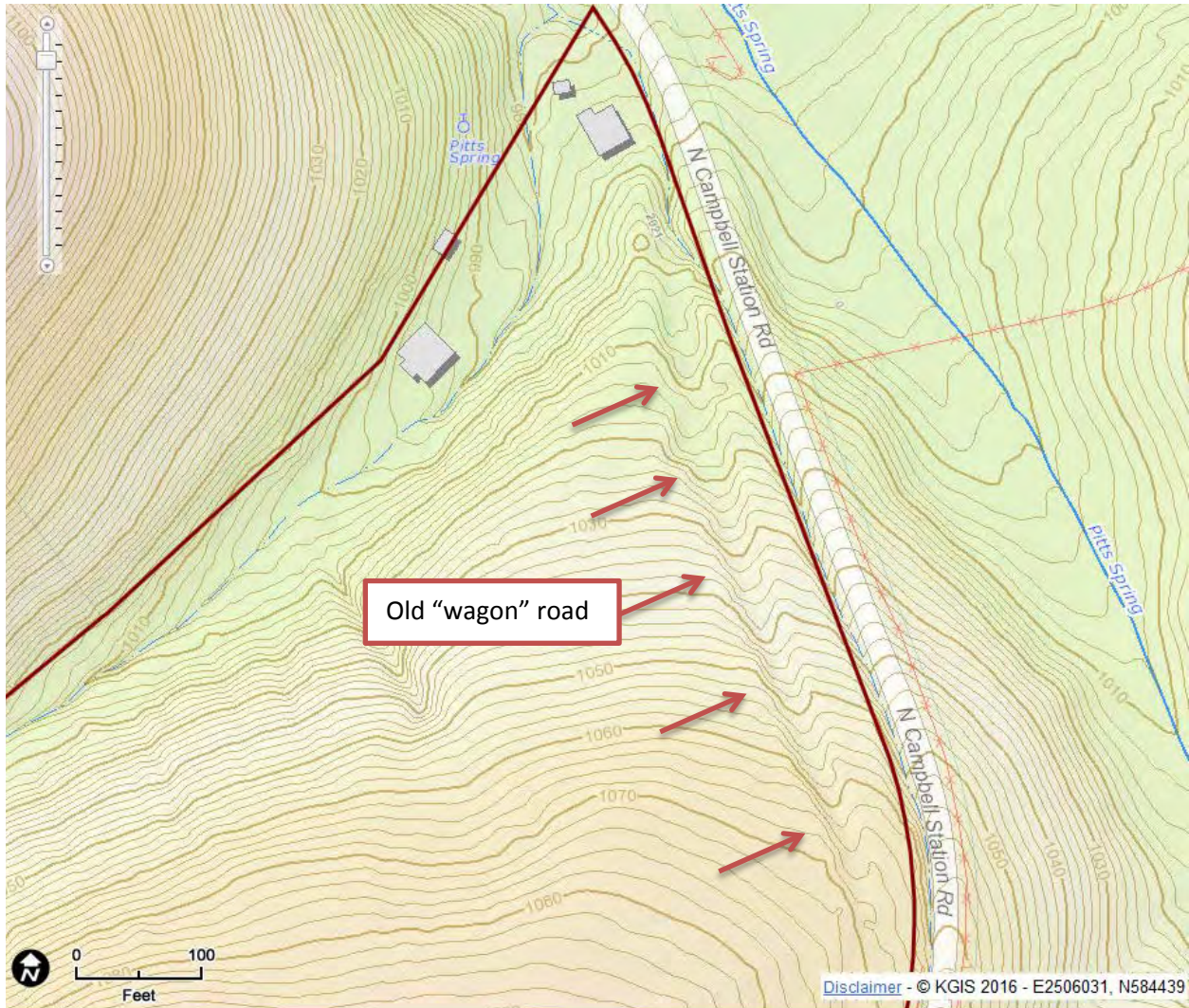


Figure 2. Digital terrain map from KGIS showing current N. Campbell St. Rd. and the historic wagon road bed.

I would like to suggest that the home site be documented to at least provide a photographic record of this founding family of Hardin Valley's homestead be made and donated to the East Tennessee Historical Society. A simple day or two to photograph and measure the home and three to four barns and their orientation to each other along with the spring and the wagon road. I myself would be more than willing to perform this survey. Not everything is worth saving, but the home site of a family that was one of the first to live in Hardin Valley and has lived (or owned at this point) the land for so long even a map created by the US Geological Survey uses their name and the spring they choose to build their life by as the name place on every map of the location since 1940 should merit a few days of attention and legally enforceable consequences for the destruction and/or contamination of the spring. The Pitts have been present

in the valley for generations; there is even a picture of the students attending the old Hardin Valley School (which stood at the location of the new Karns Fire Station) in 1929 with several of the Pitts children in attendance (Kimball and Jess Pitts) [2].

I would also suggest, based on my experience as on a homeowner association board, that the rear property lines of the proposed lots 43, 42, 33, 31, 31, 18, 17, 16, and 15 not include the "wet weather conveyance." As I have seen time and time again, HOA by-laws and covenants are regularly ignored with impunity. Future homeowners and the future, future homeowners will have no knowledge of the impact re-grading the back of their lots will have on the spring and creek. If one of these lot owners were to decide to build a retaining wall and level their yard they are going to just do it. Just like what nearly happened in my subdivision which almost resulted in the underground drainage system for half my subdivision to be filled in and walled over. I am very impressed to see the well thought out point of requiring those lots to have a note discouraging future grading, but discouraging ill-advised behavior does not stop ill-advised behavior. Eliminating the potential issue through the power of property lines will prevent this entirely.

Slicing a few feet of the back of the lots and deeding it as common area connected to the retention pond and spring buffer area will protect the spring and the drainage into the spring. The developer could even turn it into an attractive feature by adding a walking/jogging path along this margin that connects from one of the cul-de-sac running down the "wet weather conveyance" to the "mini-park" by the spring, back up the old wagon road to the subdivision's entrance. A feature similar to what is present at the Covered Bridge at Hardin Valley, but with the added appeal of preserving a bit of history. In Appendix A, is the July 25, 2016 site plan to which I have annotated the location of the old road bed, the Pitts home (for reference), and an concept idea for a walking/jogging trail.

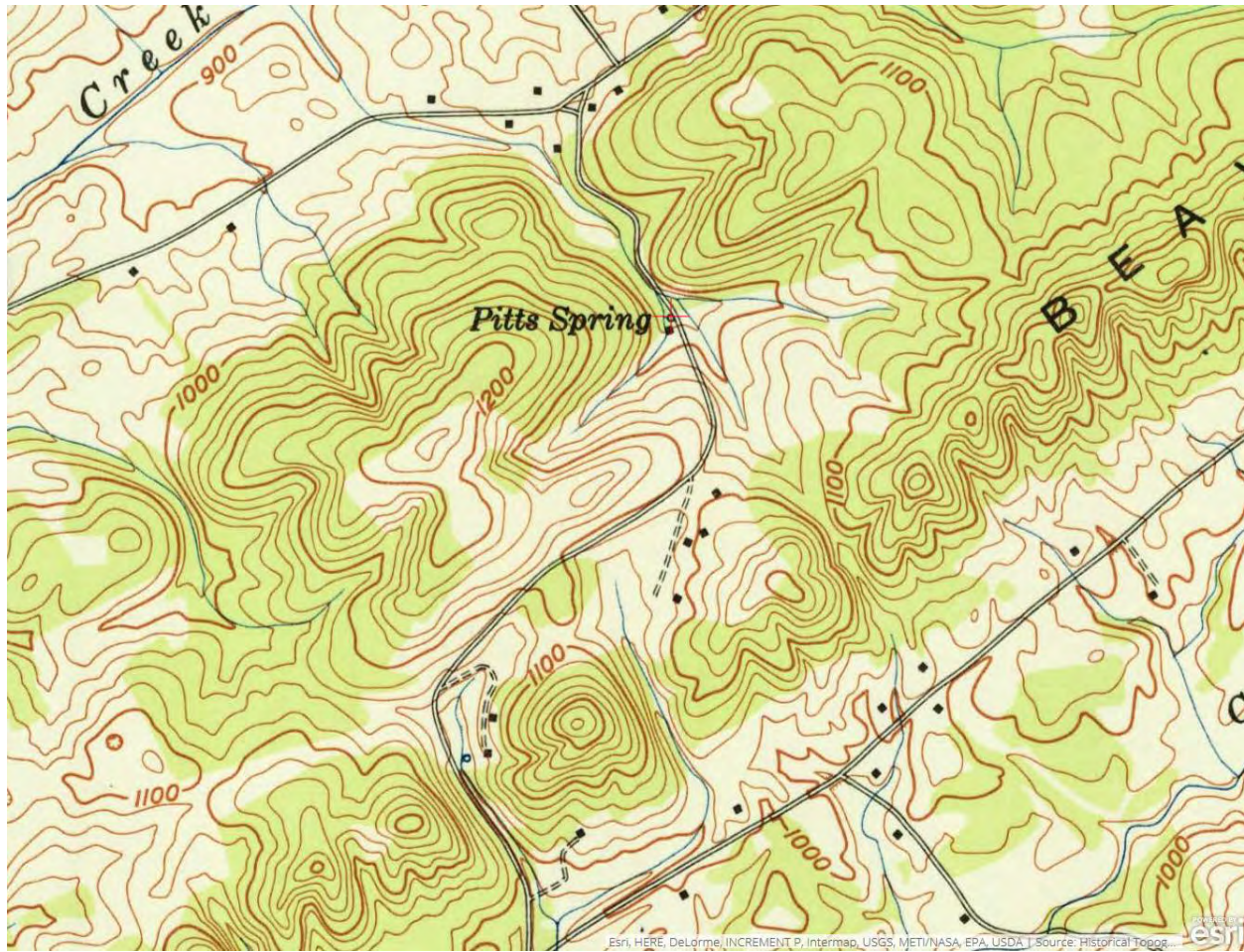
While not necessarily the place of the MPC, but as this is my opportunity to address the developer, I would suggest that it is at least worth a mention and a nod to the past to consider the subdivision be named "The Highlands at Pitts Spring". That is its true location after all and anyone with internet access will know it is in Hardin Valley. Some of the ancient farm equipment, such as the hay rake that is currently sitting by the spring would make an attractive and interesting subdivision entrance decoration similar in nature to what has been done at the Shannon Valley Farms subdivision off Murphy Road. A new home with history.

I love history, but I am a realist. The property will be developed at some point and the significance of its history is low. But a node to the history in the name of the subdivision, a day or two with a camera, and an enticing amenity in the form of a walking/jogging path would save it from being scrubbed from history at a relative low cost to the developer as the eventual HOA would become responsible for the mini-park and walking/jogging path.



Thank you for your time and consideration.

Respectfully,  
Austin Albright  
austin.albright@gmail.com



**Figure 3. First publication of the place name "Pitts Spring" on a USGS map (1940 Lovell Quadrangle) [3].**



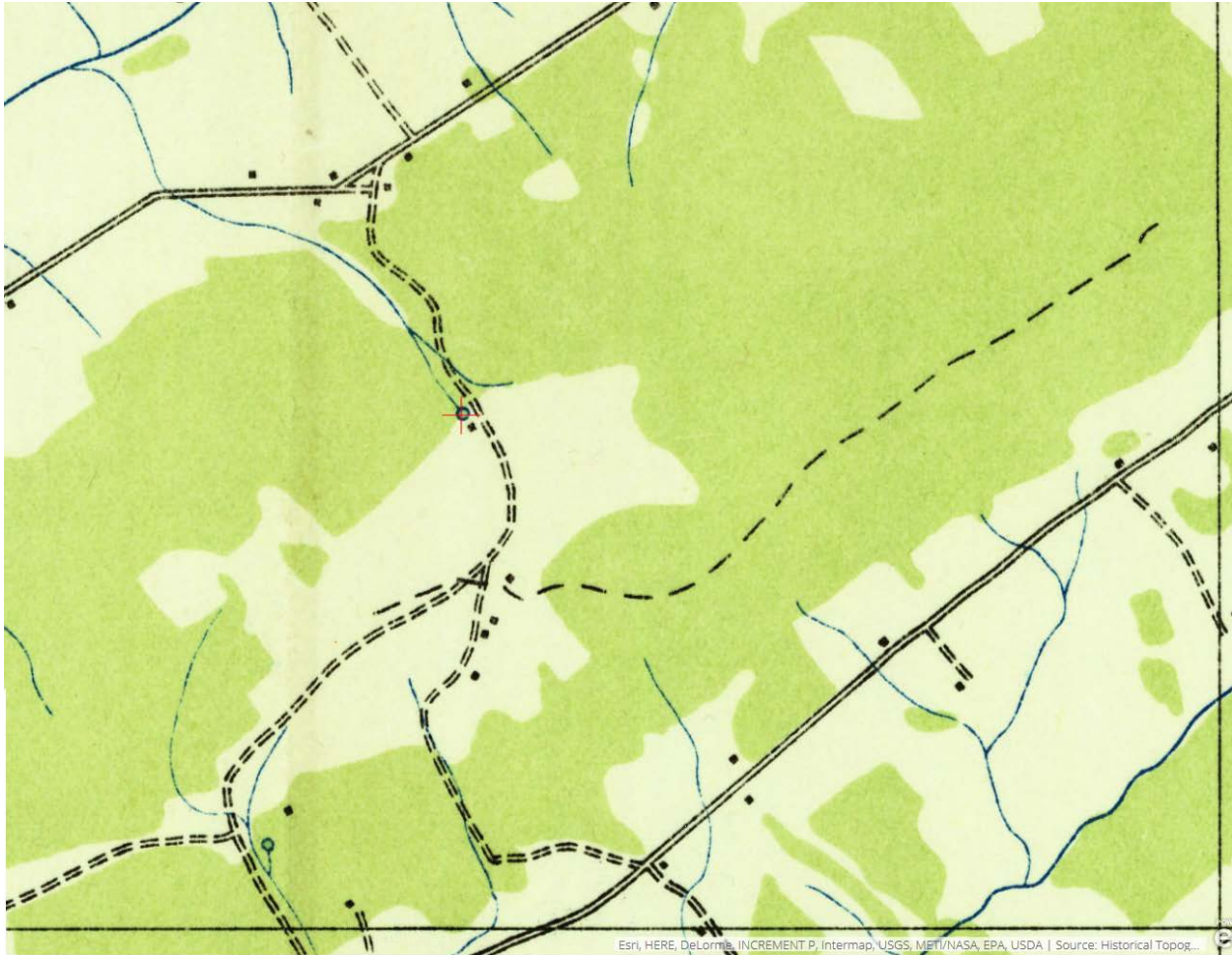


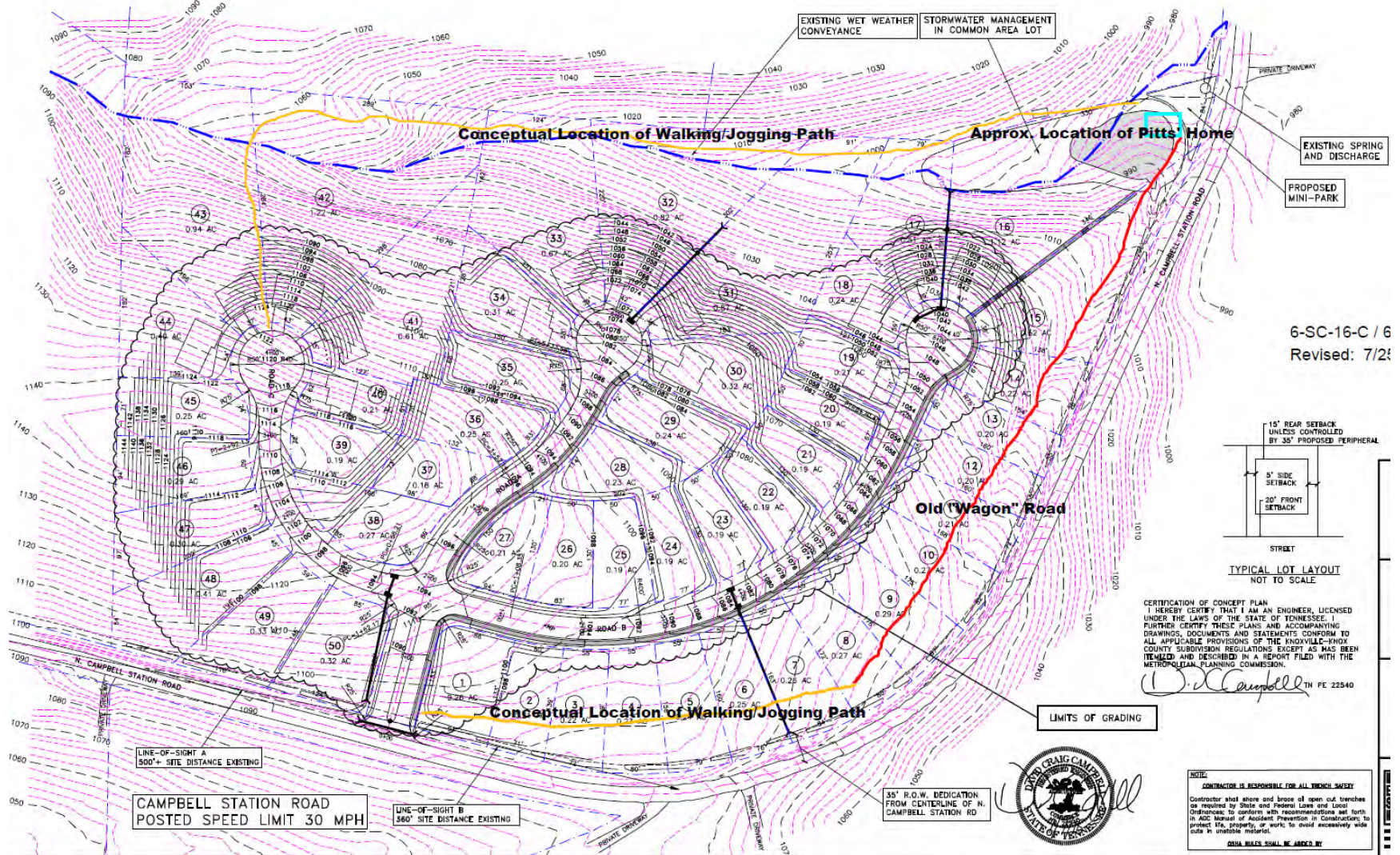
Figure 4. Location of pre-N. Campbell St. Rd. "wagon road" and Pitts Spring from the 1935 USGS Lovell Quadrangle [3].

### References:

- [1] D.W. Owens and K. Clabough, "Concord-Farragut", Series: Images of America, Arcadia Publishing, 2009
- [2] Haley, Susan, "Hardin Valley History", Website, <http://www.hardinvalleyhistory.com/old-places.php>
- [3] United States Geological Survey, Historical Topographic Map Explorer, query: "Pitts Spring, Tennessee", 1935 and 1940 Lovell Quadrangles, <http://historicalmaps.arcgis.com/usgs/>



# Appendix A



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**FRANTZ, MCCONNELL & SEYMOUR, LLP**  
**MEMORANDUM**

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**TO:** Arthur Seymour  
**FROM:** McKeehanon Rue  
**SUBJECT:** Proposed Subdivision - Broome Road  
**FILE NUMBER:** 1393.0008801  
**DATE:** June 16, 2016  
**RE:** Discovery and Removal of Human Remains

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**Discovery of human remains**

Tenn. Code Ann. § 11-6-107 states as follows:

(b) Where any sites or artifacts may be found or discovered on property owned or controlled by the state or by any county or municipality, the agency, bureau, commission, governmental subdivision, or county or municipality having control over or owning such property and which is preparing to initiate construction or other earth-moving activities upon such property, or is currently performing work of this type upon such property, the public body having custody of the land shall comply with subsection (d) and is directed to urge supervisors of such works to notify the division of the discovery and location of such sites or artifacts immediately, and to cooperate to the fullest extent practicable with the division, either to prevent the destruction of such sites and artifacts or to allow the division to obtain maximum information and artifacts before these locations are disturbed or destroyed.

In this situation it appears that the preservation of the land and human remains is most likely going to be the situation. Since it is believed that there are unmarked human remains present the property owner must comply with Tenn. Code Ann § 11-6-107 (d) which states as follows:

(d) (1) Any person who encounters or accidentally disturbs or disinters human remains on either publicly or privately owned land, except during excavations authorized under this chapter, shall:(A) Immediately cease disturbing the ground in the area of the human remains; and  
(B) Notify either the coroner or the medical examiner, and a local law enforcement agency.(2) Either the coroner or the medical examiner shall, within five (5) working



days, determine whether the site merits further investigation within the scope of such official's duties.

(3) If the coroner or the medical examiner, and law enforcement personnel, have no forensic or criminal concerns with regard to the site, then the coroner or the medical examiner shall notify the department.

(4) Human remains and burial objects reported to the division shall be treated as provided in §§ 11-6-104 and 11-6-119, and/or title 46, chapter 4, if applicable.

(5) A person who violates subdivision (d)(1)(A) or (d)(1)(B) commits a Class A misdemeanor;

(6) This section does not apply to:(A) Normal farming activity, including, but not limited to, plowing, disking, harvesting and grazing; provided, that if human remains are discovered or disturbed, a report should be made to the officials specified in subdivision (d)(1)(B); or

(B) Surface collecting.

(7) Nothing in this chapter shall be construed to grant a right of access or occupation to the public without the landowner's permission.

Therefore upon discovery it is best protocol to ensure no criminal punishment to notify the coroner or the medical examiner. The medical examiner or coroner are required to visit the site within 5 working days. Once they determine that there is no need for further investigation then there they need to notify the Department of Environment and Conservation. State ex rel. Comm'r of Transp. v. Eagle, 63 S.W.3d 734, 768 (Tenn. Ct. App. 2001). Notification of the Division of Archeology is required upon the discovery human remains presumed to be Native American. Id.

### **Protection of Gravesite within a deed**

Tenn. Code Ann. 46-8-103(b)(1) states that real property that has a deed that reflects the presence of human remains on the property is protected from disturbance or development as follows.

1) A gravesite may not be disturbed in the area of a ten foot (10) surrounding of the perimeter of the gravesite; and

2) A crypt may not be disturbed in the area of five feet (5') surrounding the perimeter of the crypt.

(c) The owner of real property that has a deed that reflects the presence of human remains on the property has the option of transferring the remains, at the owner's expense, pursuant to the procedure for termination of use as a cemetery in chapter 4 of this title. However, prior to filing any action in chancery court to transfer the remains located in a gravesite or crypt, the proponent of the action shall first publish a notice in a newspaper of general circulation within the county in which the gravesite or crypt is located. The notice shall include the name of the proponent of the action, the location of the property where the remains are located and any name that can be discerned from the site of any person there interred. Upon complete transfer of all human remains from the property that are properly described on the deed, the buyer has the right to the use of the area previously containing the remains as is consistent for the remainder of the property.

## **Requirements and process of proper removal**

To adhere to Tenn. Code Ann. 46-8-103 to is required that the following criteria and procedures take place to remove human remains and transfer them to a new location.

Human remains can be removed from their final resting place for 3 reasons. 1) The burial ground is abandoned or 2) The burial ground is in a neglected or abandoned condition or 3) The existence of any conditions or activities about or near the burial ground render the further use of the burial ground inconsistent with due and proper reverence or respect for the memory of the dead, or for any other reason unsuitable for those purposes. Tenn. Code Ann. § 46-4-101.

When removing a body from a burial ground the suit should be brought in the Chancery Court of the county in which the human remains are located. Tenn. Code Ann. § 46-4-103. Notification of the proceedings should be given to an “interested person or persons” as to the human remains.

Tenn. Code Ann. § 46-4-102 states as follows:

As used in this chapter, unless the context otherwise requires, "interested persons" means any and all persons who have any right or easement or other right in, or incident or appurtenant to, a burial ground as such, including the surviving spouse and children, or if no surviving spouse or children, the nearest relative or relatives by consanguinity of any one (1) or more deceased persons whose remains are buried in any burial ground.

Therefore any person with an easement to the property would be subject to notification, as well as the relatives of the people whose remains are being moved. In *Perry v. Unknown Parties* after records investigation the relatives of the people buried could not be identified and it was appropriate to name the defendants as “Unknown Parties having any interest in the property known as the Mathis Cemetery located on Lot 10 Oak Woods, Medina, Tennessee, including but not limited to the heirs of the seven known person buried in the Cemetery” *Perry v. Unknown Parties*, 2010 Tenn. App. LEXIS 797 (Tenn. Ct. App. Dec. 28, 2010). The notification to the “Unknown Defendants” was appropriate through the publication setforth in Tenn. Code Ann. §§ 21-1-203 -204.

Tenn. Code Ann. 46-4-104 states as follows:

Such removal and reinterment, and other relief described in § 46-4-103, including partition or sale for partition if prayed for and if the court finds the conditions for partition exist as provided in § 46-4-103, shall be granted, authorized, decreed and ordered by the court upon the court finding, upon the hearing of the cause upon the entire record, including the pleadings and proof, that any one (1) or more of the reasons specified in § 46-4-101 exist, and that, due to the same, the burial ground is unsuitable for use as a burial ground and as a resting place for the dead whose remains are buried therein, or that the further use thereof for those purposes is inconsistent with due and proper reverence or respect for the memory of the dead, or for any other reason unsuitable for those purposes; but the removal

and reinterment and such other relief shall be granted, authorized, ordered and decreed only upon it being shown to the satisfaction of the court that definite arrangements have been made, or before the removal will be made, for reinterment of all of the remains in a place found by the court to be suitable for reinterment; that for that purpose there have been obtained, or before the removal there will be obtained, either the fee simple title to the place of reinterment or adequate permanent right and easement to use the place of reinterment for reinterment, and adequate permanent right and easement of access to the place of reinterment for visitation; that the removal and reinterment of all the remains will be done with due care and decency, and that suitable memorial or memorials will be erected at the place of reinterment.

### **Summary**

If human remains that are unknown are discovered the coroner or the medical examiner must be notified to view the discovery site. Once they confirm that there is no reason for forensic to be notified they must notify the Department. Human remains cannot be moved unless one of the three conditions under Tenn. Code Ann. § 46-4-101 are met. If it is determined that one of these are met then a suit would need to be filed in Chancery Court to inform the “interested parties.” If the court rules that the human remains can be moved then the expense is paid by the owner of the property and it must be done in a suitable way following the guidelines of Tenn. Code. Ann. § 46-4-104



5-SE-16-C-cor-Angel

August 6, 2016

MPC Commissioner

RE: MPC File No. 5-SE-16-C

Bentley Fields Estates

August 11, 2016 Hearing Agenda #8



Dear Commissioners

I am writing this letter today to express my concerns regarding the Bentley Fields Estates project connecting to Broome Road in West Hills.

As a resident of Cavett Station, I am extremely concerned about the safety aspects of Broome Road. As you may be aware, Broome Rd is a very narrow road with an extremely dangerous curve and blind hills. This project will enter near the top of one such blind hill. It has been explained that a deceleration lane will be added on the northbound lane at the entrance of the project. This, however will not address safety issues for southbound school buses allowing children to cross the road a short distance from the blind hill. It also seems to be a short distance from the blind hill for residents picking in and out of the Bentley Fields neighborhood.

This project will add some 300 additional trips on Broome Road daily. We, in the West Hills area have experienced near misses on this narrow street, especially on the curve. It would be my hope that consideration for corrections to this road would take place before this additional traffic as well as two years of construction vehicles contribute to the risks of traveling this road.

Another area of concern regarding this project is the historical aspect of the area where this project is planned. This area is a historical Revolutionary War site with pertinent history to the city of Knoxville. The Cavett Station  
MPC November 10, 2016 was in this area, which has already been

lost. The Mars Hill cemetery is adjacent to the project, dating back to 1792. The grave sites of early Knoxville pioneers as well as the mass grave of the Alexander Covell family who were massacred in a battle with Indian tribes lead by Chief Doublehead. While there is a designated area for the cemetery, there has been discussion that there may be graves beyond these indicated boundaries. It has been reported that, through the years, headstones and markers have been removed and discarded. It is my hope that consideration for a planned scientific study will be conducted to be absolutely sure that every grave is preserved in this sacred historical cemetery. It is so important to preserve our history and respect the resting place of all.

As a homeowner adjacent to the project, I have concerns regarding how will be affected by the changing landscape of the area. I have been told by the engineer of the project that existing lots will not be affected. The project will be higher than our existing Cabot station properties and I would like a written guarantee that run off and drainage will not affect our lots.

As the landscape changes there are many rodents, snakes, possums, raccoons, coyotes and Hawks in the area. Can we also be assured that we will not be overrun by these animals on our properties.

Sincerely yours;  
Rick Angel  
8303 Alexander Covell Dr.  
Knoxville TN 37909

5-SE-16-C - cor - Horner

Ryan and Becky Horner  
8324 Chadwick Drive  
Knoxville, Tennessee 37909

August 17, 2016

Mr. Anders, Ms. Bustin, Mr. Clancy, Ms. Cole, Mr. Cravens,  
Ms. Eason, Mr. Goodwin, Mr. Johnson, Rev. Lomax,  
Ms. Longmire, Mr. Phillips, Mr. Roth, Mr. Smith,  
Mr. Thomas, and Ms. Tochet

Metropolitan Planning Commission  
400 Main Street Suite 403  
Knoxville, Tennessee 37902

Re: Proposed Bentley Fields Subdivision on MPC Agenda  
for August 11, 2016

Dear Commissioners,

My wife and I bought our home in West Hills during the housing recession and felt like we had won the lottery. We wanted a bit of privacy but also access to major roads, shopping and a central location to our places of work. West Hills is an established neighborhood with



large trees and larger lots, which is what we were<sup>II</sup> seeking. We have a relatively private backyard that adjoins a large parcel that is mostly wooded. Even though we moved into the city and are probably one mile from the interstate, the topography lends itself to a quiet and relaxed atmosphere. We assume the responsibility of paying city taxes and certainly enjoy the benefit of services like fire protection, trash/recycling collection and brush pickup.

Unfortunately, the proposed Bentley Fields development will not fit the characteristics of our neighborhood. Most of the homes in West Hills have at least a half-acre lot size and some decent set back from the road. I don't think thirty houses on an eleven acre tract fit with West Hills to the north or Carver Station to the south. It looks as though there will be three houses that back up to my lot alone. If you as Commissioners of the MPC allow this development to start as is, there is no one to say what type of house is to be built. The developer may tell us what type of house the contractors may build; however, once approved, how can we be sure what will actually transpire? This over development will be a

detriment to the resale value of existing homes like ours. This over development behind my house significantly alters the appeal of West Hills and our street in particular. III

A greater issue is the safety of driving on Broome Road, which leaves Gallaher View, making an immediate sharp 90° left with a steep grade that is narrow with deep ditches on both sides. The parcel of the proposed development is on the right at the top of the hill, which is already dangerous enough to drive on as it is, without adding thirty more families with probably two vehicles each to use it. I have a son who will be driving in six months, and it concerns my wife and me for his safety as a new driver. I am told the city has Broome down pretty far on its list of priorities but recognizes the safety issue that exists there.

Finally, the proposed development slights the history of the Cavet Station massacre and the old cemetery that is located there. Perhaps a monument could be built and the history preserved. This parcel might be better utilized as green space for families, as there is plenty of development in the city of Knoxville but

less and less green space.

IV

In closing I am not against progress or development. I am certainly glad the developer is not proposing an apartment complex to be built behind us. Nevertheless, I would feel much better if there were fewer houses with larger lots keeping more in line with the two subdivisions that bound the subject property. I would prefer something be done to consider the safety issues on Broome Road, and the history of the Cavet Station massacre to be considered by you before you allow thirty lots to be put on this last piece of urban wilderness in West Hills.

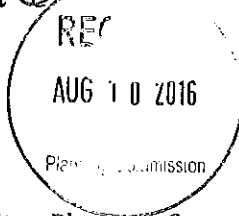
Sincerely,

Ryan Horner and Becky Horner

Ryan Horner and Becky Horner



5-SE-16-E-Cor-Allen



August 8, 2016

Knoxville-Knox County Metropolitan Planning Commission  
City-County Building, Suite 403  
400 Main Street  
Knoxville, Tennessee 37902

Dear Members of the Metropolitan Planning Commission,

I've written each of you individually, but I also wanted to share my thoughts with the group in the hopes that this letter can be included as part of the Meeting Agenda Package.

I'm writing regarding Bentley Estates, the proposed development off of Broome Road that will be presented at this week's MPC meeting. As a resident of Cavet Station neighborhood, I have many concerns about the developer's proposal. While I completely understand that it's inevitable that the property will be developed, and I'm not opposed to any development, I believe the current proposal is inappropriate and potentially dangerous.

It is my understanding that AKP Properties wants to build 30 homes in the 11.67-acre plot. There are two major issues with this plan, in my opinion.

- (1) A Historic Cemetery: To build that many homes under the current plan would require developing the portion of the property that borders the Mars Hill cemetery with either homes or a road. Due to the fact that the actual boundaries of this incredibly historic cemetery (which dates back to the 1700s) have never been set, all indications point to the fact that there are likely graves well outside the current borders. A formal independent ground-penetrating radar study of the area must be conducted of the entire plot of land before construction begins to be 100% sure that there will be no digging over gravesites.
- (2) Safety: I understand that under the current plan there would be an increase of 353 average daily vehicle trips along Broome Road. I don't know if you've ever driven along Broome Road, but it's very narrow and very dangerous. My family has nicknamed the sharp turn near Gallaher View "Dead Man's Curve." If that many new homes are added along Broome Road, I believe it absolutely should be a requirement to widen the road prior to completion of the development, a change that has been long needed, but which will become a necessity with the increased traffic. A further safety concern is the location of the proposed entrance to the new subdivision, which is currently plotted to be just north of the top of the hill on Broome Road, a location that will be incredibly dangerous to those pulling out into traffic from the subdivision. Further, children making their way to the bus stop will have to cross this already dangerous road at the top of a hill, where drivers won't have time to see them ahead of time to slow down and stop.

I just ask that you please take these points into consideration as you review the Bentley Estates plan that will be presented at your upcoming meeting. I'd be happy to discuss further if you'd like to arrange a meeting or phone call.

Sincerely,

A handwritten signature in cursive that reads "Deborah Allen".

Deborah Allen  
(865) 406-9036

# Jay M. Lewallen



9 Chester Downs • San Antonio, TX 78257 • 210/698-1129 • jlewa@satx.m.com

August 4, 2016

Knoxville-Knox County Metropolitan Planning Commission  
City-County Building, Suite 403  
400 Main Street  
Knoxville, TN 37902

To the MPC Staff:

It has come to my attention that the land near Cavett Cemetery (Mars Hill Cemetery) may be threatened by further development in the area and that the Commission is exploring appropriate ways to insure no unmarked graves are covered or destroyed.

The purpose of my letter is to strongly support your efforts to consider the historical meaning of this cemetery, as one of the most significant remaining icons of the American Revolution era. This site is representative of many others in eastern TN and one that was instrumental in the early development of Knoxville, as a growing and thriving city. Moreover, the cemetery has family significance to many in the area AND to those early settlers moving on to Arkansas, Louisiana and Texas.

It has great meaning to my family here in Texas, as Alexander Cavett was my 6<sup>th</sup> great granduncle and Moses Alexander, who occupied the 640-acre tract after the massacre, was my 6<sup>th</sup> great grandfather. There is strong evidence that both are buried there. One of the highlights of my family's life was the discovery of this cemetery and our trip to Knoxville just to stand in this sacred place of our ancestors.

It is our most humble request that you, at least, require the developer to conduct a ground-penetrating radar study of the surrounding area to make sure that these early Americans (and possibly slaves and Indians) are not forgotten in our rush to develop. This kind of a radar study is a well-developed technology, well within the capabilities of several institutions nearby – certainly the University of Tennessee.

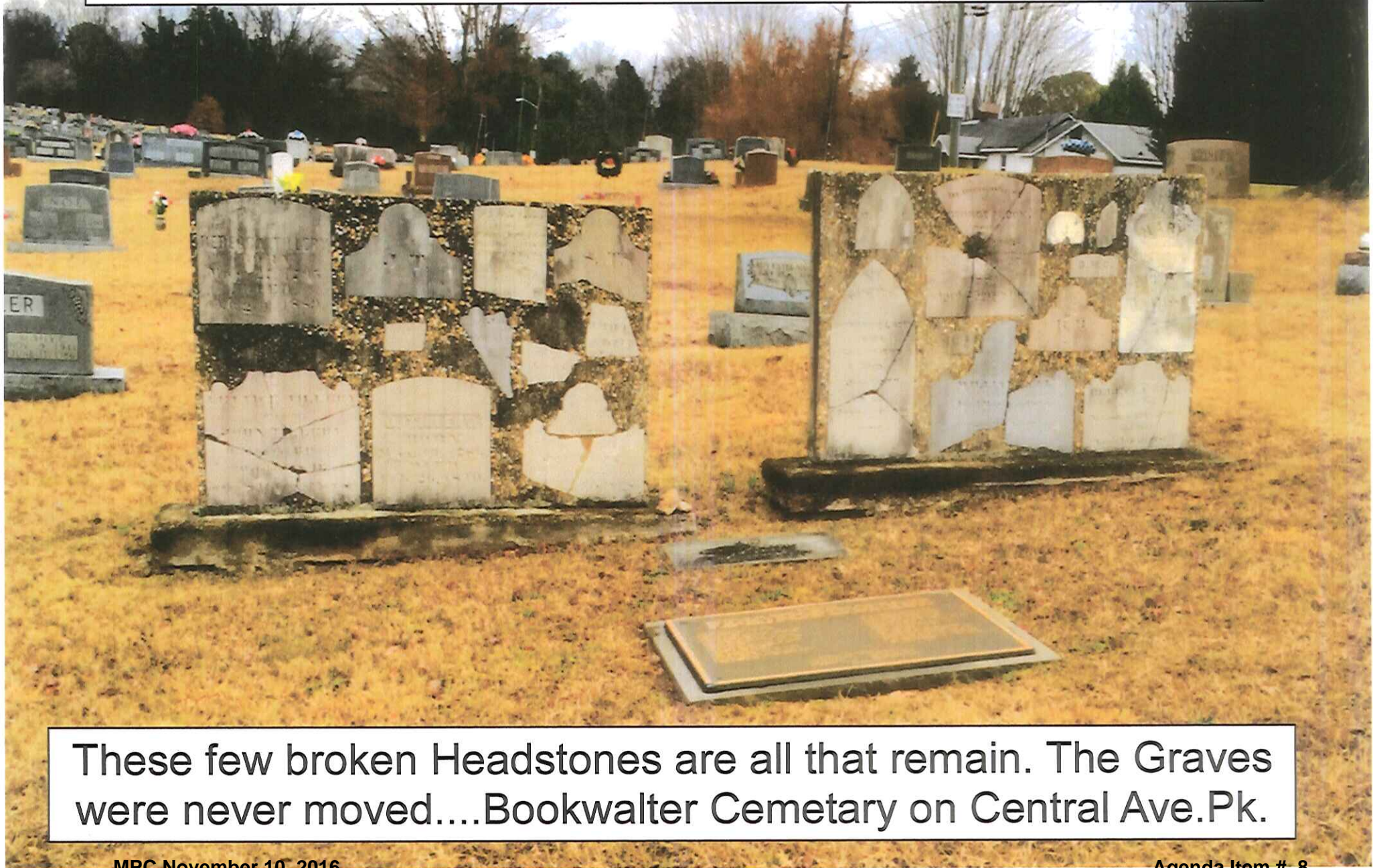
After six generations, thousands of citizens in our country have lineage connection to Alexander Cavett and his family. In behalf of these Americans, I plead for your most diligent efforts to consider the legacy of these families.

A handwritten signature in black ink, appearing to read "Jay M. Lewallen".

Jay M. Lewallen



No one took responsibility for Saving this cemetary and building houses on the land Pitifully.. this is all that remains of our Ancestors. You have the opportunity to Save Mars Hill Cemetary at Cavett Station.... out of Respect for our Pioneer Family. Please Vote with Your Heart ..... Our History needs to be Preserved and Protected



These few broken Headstones are all that remain. The Graves were never moved....Bookwalter Cemetary on Central Ave.Pk.



IN MEMORIAM

DEDICATED TO THE MEMORY OF OUR PIONEER ANCESTORS AND OTHERS WHO LIE BURIED IN THE NOW-VANISHED TILLERY (CALLAHAN) CEMETERY OFF GREER ROAD IN DANTE, OUTSIDE NORTH KNOXVILLE. THE REMNANTS OF THEIR TIMEWORN OR VANDALIZED TOMBSTONES ARE PRESERVED HERE.

JOHN TILLERY, 1754 - Feb. 24, 1834

LETTICE TILLERY, 1759 - Oct. 30, 1843

Wife of John Tillery

SAMPSON TILLERY, June 17, 1791 - Aug. 29, 1848

REBECCA TILLERY, May 6, 1796 - June 20, 1849

Wife of Richard M. Tillery

JOHN TILLERY, March 9, 1786 - Feb. 26, 1840

REBECCA TILLERY, May 27, 1795 - Aug. 1, 1889

Wife of John Tillery

CASWELL TILLERY, Apr. 6, 1836 - Oct. 5, 1850

LETTIE JANE TILLERY, Died May 24, 1861

Daughter of John & R. Tillery

Age 27 yrs 1 mo 16 days

MARY TILLERY, Oct. 3, 1773 - Oct. 4, 1835

Wife of Thomas Hill

WILLIAM H. BELL, Feb. 10, 1760 - March 5, 1815

REBECCA BELL, Nov. 24, 1764 - Nov. 5, 1837

Wife of William Bell

LAURA FURGESON, Died Apr. 5, 1854

WILLIE B. FURGESON, Died Aug. 21, 1864

JAMES FURGESON, Died Dec. 19, 1872

LUCY P. FURGESON, Died May 12, 1884

ANNIE FURGESON, Died July 15, 1885

DARCUS FURGESON, Oct. 31, 1814 - Aug. 30, 1885

Erected by her nieces

MATTIE A. FURGESON, Died July 2, 1887

SAMUEL YORK, Died Jan. 9, 1873

73 yrs 3 mo 6 days

MARY YORK, Apr. 10, 1799 - Apr. 13, 1884

Wife of Samuel York. Born Randolph Co., N.C.

CATHARINE LACEY, July 31, 1787 - Jan. 1, 1877

GEORGE M. COX, May 27, 1858 - June 27, 1883

MATTIE FRANKLIN, Nov. 9, 1853 - Oct. 29, 1888

V. BELL DULLEY ELLIOTT, Apr. 2, 1850 - Nov. 30, 1893

Wife of Allen M. Elliott

\* \* \* \* \*

*Erected by Tillery and Bell descendants:*

*Clarence Eugene Bell*

*Katherine Tillery Knox*

*Ruth Tillery Berry*

*Elva Pearl Merriott*

*Bill Raymond Coursey*

*Richard William Tillery*

*December 1987*



REBECCA BELL

was born

November 24<sup>th</sup> 1764.

and died

November 5<sup>th</sup> 1837.





WILLIAM

WILLIAM  
Died March 15, 1815.  
aged 53

WILLIAM  
aged 53 years.





REBECCA TILLERY  
BORN  
Nov. 25. 1795  
DIED  
Aug. 11. 1889.

J. T.

*Lettice Tillery*  
DAUGHTER OF  
JOHN & R. TILLERY  
Died May 24th 1861  
aged 27 years 11 mos.  
Florida

S. T.

J.

J. T.

M. TILL  
May 6. 179

and ...  
in the 5

LETTICE TILLERY  
WIFE OF  
JOHN TILLERY  
Died on the 30th of  
October 1818  
in the 54th year of her age

J. TILLERY  
BORN  
Mar. 19. 1786.  
DIED  
Feb. 26. 1840.

J. T.



October 6, 2016

To: Knox County MPC Commissioners

I want to voice my concerns about the Bentley Fields development on Broome Road that David Alley has proposed. He made an agreement to do more GPR scans when five grave sites were found outside the cemetery boundary. A report done by state and church historians on the cemetery have said there could be up to 500 graves. Dr. Charles Faulkner, who did the archeological research on the site in the 1980s, said there is likely a slave cemetery nearby. Joseph and Nancy Lones, owners from 1825-1872 or more – she lived until 1884, had slaves Peggy Cain said, who is the current owner. The slave cemetery at Dowell Springs where the other Lones family lived has been preserved. David Alley wants to bulldoze and just see if he hits something. **This practice may be common with prehistoric artifacts, but not human remains.** Cavett descendants visited the cemetery last week and they do not want any burial sites disturbed. Another Moses Cavett descendant is planning to fly in from Texas for the Sons of Revolution (SAR) dedication being planned. There could be a few hundred at that ceremony. SAR is also working on more stones for the other Revolutionary soldiers buried there. I am including a brochure on the history of Cavett Station.

We began asking for parking spaces and a small park area by the cemetery at the May West Hills Association meeting. I have talked with the Eastern Band of Cherokee and they are interested in some type of memorial as well. This site is a historical treasure in the middle of Knoxville. More school children would come if the City of Knoxville would preserve it properly. **This decision will go down in the next chapter of history books on Cavett Station.**

A geologist who worked with TDOT on sinkholes looked at the large sinkhole on the property, and I believe you have his report. He confirmed what we knew – **building on or close to known sinkholes is crazy.** David Alley is placing nine houses teetering on the edge, and building at a density (30 houses on about 9 acres) not seen in West Hills. Potential homeowners, who do not have the millions TDOT has to fix cave-ins, could be left in a mess. In addition, when David Alley sold his family's home on Corteland that backs up to this property to Donna Thoraval, he told her that no one could ever build there.

The dangerous stretch of Broome Road will effect my loved ones, those in our subdivision and all the others who travel it. I have seen numerous wrecks, and have passed landscaping trailers and the school bus barely scraping by too many times. I try to wait until every car passes before I pull out onto Broome. **I saw 3 children with backpacks almost get hit at the blind hill – miracle they weren't!**

**Please vote against this development as proposed. Thank you for your consideration.**

Sincerely,

Cindy Johnson

P.S. I just heard that Vice-Mayor Duane Grieve talked with David Alley today and he reconsidered his decision and may now do the scans. I hope that is true.

stone markers were present in the cemetery in the 1980s for Moses and Agnes, but have since disappeared. Both are believed to be buried just to the east of the Sons of the American Revolution monument, which is in the center. The Cavett family cemetery later became a community cemetery. Joseph and Nancy Lones are buried on the west side.

Ground penetrating radar found many graves to the right of the SAR monument in 2016, believed to be the site of the massacre victims. A small area tested on the northeast corner of the cemetery found five grave sites, and others are believed to be outside the cemetery as well. The Lones family had slaves and a slave cemetery is suspected to be nearby.



In the 1850s, Mars Hill Baptist Church was built just west of the cemetery, and the name changed to Mars Hill Cemetery. Family names with surviving gravestones include Cavetts, Walkers, Lones/Lonas, Kidds, Roberts, Parhams, Keiths, Vanosdales, Bennetts, Witenbargers (Wisegarbers?), Thompsons, Gilsons, Covingtons and others known only to God in several unmarked graves, possibly a few hundred. The wooden church later burned and two churches formed— Mars Hill Baptist on Middlebrook Pike and Gallaher View Baptist near Bearden High School. When Mars Hill Cemetery was full, Edgewood Cemetery became the community cemetery for burials.

For many years Kincer Fox, a Cavett descendant, cared for the cemetery along with Edgewood Cemetery. Later the Cain family took over the care. Most recently the Cavett's Station Neighborhood Association and the Cavett's Station DAR Chapter have been caring for Mars Hill Cemetery.

## PRESERVATION OF CAVETT'S STATION

*September 25, 1793 was a significant day for City of Knoxville and State of Tennessee. The sign of smoke rising from Cavett's Station gave warning to settlers in Knoxville and created division among the chiefs, which may have saved the territorial capital from destruction. James White had only 38 militiamen in Knoxville on that day.*

The *Sons of Revolution* are in the process of placing a monument in Mars Hill Cemetery for Moses Cavett, who fought at King's Mountain during the Revolutionary War.

The *Cavett's Station Chapter Daughters of the American Revolution* are involved in clean-up days and ceremonies for the historic site.

## CAVETT'S STATION RESEARCH

Special thanks

to *Dr. Charles Faulkner*, retired Professor of Anthropology at The University of Tennessee and author of **Massacre at Cavett Station**, for his dedication and efforts in preserving Historic Cavett Station.

Much appreciation

to *Dan Brock*, UT anthropologist, for performing the GPR Scans.

## HISTORIC CAVETT'S STATION

MASSACRE OF 1793  
TENNESSEE HISTORICAL SITE



KNOXVILLE, TENNESSEE



## PIONEER DAYS IN KNOXVILLE

Cavett's Station was built by Alexander Cavett who came from Virginia with his older brother, Moses, about 1782 to settle in Sullivan County, North Carolina—which later became Tennessee. In 1790, Alexander then purchased 640 acres at the head of Sinking Creek in the Grassy Valley area of what would become West Hills in Knoxville.

When Knoxville was the territorial capital of the Southwest Territory, several outposts called “stations” were settled by pioneers on the frontier. Cavett's Station was located a little north of Kingston Pike between Bearden (Erin Station) and Campbell's Station. Kingston Pike was the main route to Kingston where a large fortification called Southwest Point was established. The Cavetts chose to build their fortified blockhouse on a hillside by an old trail, most likely used by Indians—and buffalo even earlier, near several springs and a large sinkhole on what is now called Broome Road.

As the Indian villages and hunting grounds were pushed west by settlers, skirmishes were frequent and the danger of attacks were experienced on both sides. The stations provided settlers protection from Indian attacks and a safe place for travelers to stay. Peace-seeking government agents and chiefs tried to agree on land purchases, but conflicts arose as treaties were made and then broken. The Cherokee and Creek joined forces with the intent of destroying Knoxville after the loss of more land, an ambush by Captain John Beard at Chief Hanging Maw's home in June of 1793, and the killing of beloved Chief Old Tassel.

## MASSACRE IN 1793

On the morning of September 25, 1793, a band consisting of about 1,000 Cherokee and Creek attacked Cavett's Station on their march to Knoxville. Twelve members of the Cavett family and two militiamen from Sullivan County took refuge in Cavett's Station. The Indians spotted chimney smoke and decided to attack the station. They were met with a hail of gunfire and two Indians were killed and three wounded.

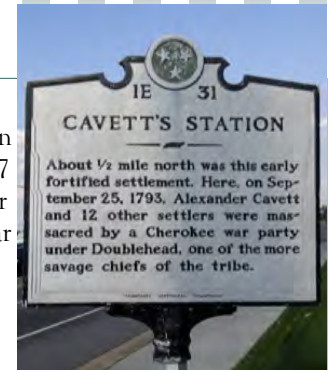
Backing off, they sent in an English-speaking warrior named Benge with a white flag to tell the defenders that their situation was hopeless and if they surrendered they would be exchanged for Indian captives. When they emerged from the cabin they were attacked and murdered by Cherokee war Chief Doublehead and his followers. The station was burned. Some of the Indians tried to save the Cavetts, and a five-year-old son was spared but later killed in a Creek village.

The horrific massacre caused more disagreement among the chiefs, and they began to disband. Many of the Indians crossed the Clinch River and headed south, later to settle at Hightower near Rome, Georgia. John Sevier's militia, who had been at Ish's Station, went after them and burned villages along the way. It would be the Indian's last stand in East Tennessee.

Neighbors of the Cavetts buried the victims near the station. Only the names of Alexander Cavett and the two militiamen, John Spurgeon and Francis Bowry, are known among the slain. The Sons of the American Revolution placed a monument at the blockhouse site on September 25, 1921. Chief Benge's grandson and Kincer Fox, a Cavett descendent, both attended the dedication ceremony.

ny. Another dedication by SAR is in the works for 2017 to honor the other Revolutionary War soldiers buried on the hillside.

Moses Cavett acquired his brother's 640 acre tract after the massacre and lived in a cabin on Kingston Pike south of the destroyed station. Moses died in 1802, and the tract was inherited by his wife Agnes who passed away in 1820 and laid to rest next to her husband. By the time Agnes died, the 640-acre tract had been bought piecemeal by her son Thomas. Then his daughter, Nancy Cavett, married Joseph Lones who bought the Cavett tract from his father-in-law in 1825. The land where the Station and cemetery were established has been passed down to Cavett descendants for 226 years.



## MARS HILL CEMETERY

A Knox County court record states Susannah Cavett died on April 29, 1792, a year before the massacre. It is not clear if this was Alexander Cavett's wife or his mother, who was also Susannah. It is logical to assume the Cavett family members were buried near Susannah at the top of the hill. When Moses died in 1802 and Agnes in 1820, they were buried in what had become the Cavett cemetery. Two field



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

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**[MPC Comment] Proposed Broome Road Housing Development**

1 message

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**Ava Radoff** <aradoff@gmail.com>

Thu, Oct 6, 2016 at 3:31 PM

Reply-To: aradoff@gmail.com

To: commission@knoxmpc.org

Good afternoon.

I am writing this letter regarding the proposed Bentley Estates subdivision on Broome Road. It has come to my attention that David Alley has chosen to continue his plan to build 31 houses on the property, in spite of his agreement to wait to find the results of a ground penetrating radar test. He has, also, already bulldozed some of the property, and dumped the dirt over part of the property that was to be surveyed for human remains, which is contrary to his original agreement. Mr. Alley's ethics are, obviously, highly questionable.

There is no question that there are human remains buried on the property. It would be unconscionable for anyone to allow him to continue with this travesty unless it can be proven, by an independent surveyor, that no other people are buried beyond the existing known grave sites. We also know that there are sinkholes on the property, and there are also concerns that building homes on the property may compromise them, as well.

In addition, as I have mentioned in past correspondence with member of the MPC, the safety, and lack thereof, on Broome Road is a major concern. The thought of adding 31 additional homes, and therefore increasing traffic on the road is frightening.

I hope that, when Mr. Alley attempts to get permission to build on the property at the upcoming MPC meeting, you have the integrity and ethics to deny his request. Thank you for your time.

Best regards,

Ava L. Radoff

Every Happy Ending Needs to Have a Start

Justin Hayward

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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] Development on Broome Rd**

1 message

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**paige craft** <mrspaigecraft@hotmail.com>

Sun, Oct 9, 2016 at 10:50 AM

Reply-To: mrspaigecraft@hotmail.com

To: "commission@knoxmpc.org" &lt;commission@knoxmpc.org&gt;

Hello commissioners, as a resident in Cavett Station I am opposed to the development going in on Broome Road. Broom Road is too narrow and as a parent I don't look forward to my children driving on that road plus all the added traffic the development brings. The proposed homes being built don't keep with the West Hills style, and will decrease the value of our area. The development will bring down most of the mature trees and ruin a historic site in Knoxville. Please do what is best for Knoxville and vote against the development!

Thanks,

**Paige Craft**

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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] CONCERN for Bentley Estates - BROOME ROAD**

1 message

**Debra Smith** <debra@wetn.com>  
 Reply-To: debra@wetn.com  
 To: "commission@knoxmpc.org" <commission@knoxmpc.org>

Fri, Oct 7, 2016 at 3:06 PM

Dear Gayle,

**I would like to VOTE AGAINST the Bentley Fields subdivision development on Broome Road.**

REASONING.....

- 1. An additional 500 unmarked graves?**
- 2. Possibly a slave cemetery on property?**
- 3. Other Historic Cemeteries have been preserved, why not this one?**
- 4. Sink holes x 2 - not fair the homeowners nearby or adjacent to property.**
- 5. Broome Road is NOT EQUIPPED for the next 2-3 years to handle OVERSIZED construction equipment on a daily basis.**
- 6. Broome Road is NOT EQUIPPED to handle ANOTHER 100+ cars entering and exiting on a blind hill.**

- A report done by state and church historians on the cemetery have said there could potentially be 500 unmarked graves?
- Joseph and Nancy Lones (owners 1825-1872) had slaves the current property owner, Peggy Cain, stated.
- *The slave cemetery at Dowell Springs where the other Lones family lived has been preserved. Why would this LARGER cemetery be excluded?*
- Cavett descendants visited the cemetery last week and they do not want the burial sites disturbed. Another Moses Cavett descendant is planning to fly in for the Sons of Revolution dedication being planned. There could be a few to several hundred at that ceremony. SAR is also working on more stones for the other Revolutionary soldiers buried.
- Bo Williams with WATE has a STREETWISE segment ready to air showing the DANGERS and CONCERN to current residents (will gladly send copy once aired).

10/7/2016

KnoxMPC Mail - [MPC Comment] CONCERN for Bentley Estates - BROOME ROAD

We have BUT ONE CHANCE to preserve our past, please don't let progress of the future jeopardize this opportunity.

Thank you in advance for hearing our concerns before the MPC meeting next Thursday, October 13<sup>th</sup> at 1:30.

Debra Smith

538 Broome Road

Knoxville, TN 37909

[865.705.0077](tel:865.705.0077)

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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] Bentley Fields Subdivision on Broome Road**

1 message

**Randy Curlee** <rcurlee11@gmail.com>

Mon, Oct 10, 2016 at 11:31 PM

Reply-To: rcurlee11@gmail.com

To: commission@knoxmpc.org

Cc: Randy Curlee &lt;rcurlee11@gmail.com&gt;, Randy Curlee &lt;rcurlee11@comcast.net&gt;, Randy Curlee &lt;TRANDALLCURLEEPHD@me.com&gt;

Dear Commissioners,

I have mailed the attached letter via USPS to all members of the Knoxville-Knox County MPC and to the Honorable Mayor Madeline Rogero and Honorable Mayor Tim Burchett. I voice my opposition to the Bentley Fields Development being proposed by AKA Properties, LLC.

Please consider the points made in my letter regarding the need for a Level 1 Traffic Access and Impact Study regarding this proposed development.

I would be pleased to provide additional information on the traffic and safety impacts of Bentley Fields should any Commissioner or staff member so request.

Sincerely,

T. Randall Curlee, Ph.D.

8325 Alexander Cavet Drive  
Knoxville, TN 37909[865-660-8325](tel:865-660-8325)[trandallcurleephd@me.com](mailto:trandallcurleephd@me.com)[rcurlee11@comcast.net](mailto:rcurlee11@comcast.net)

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

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)**Curlee letter MPC copy.pdf**

24K



## T. Randall Curlee, Ph.D.

8325 Alexander Cavet Drive  
Knoxville, TN 37909  
865-660-8325  
[trandallcurleephd@me.com](mailto:trandallcurleephd@me.com)  
[rcurlee11@comcast.net](mailto:rcurlee11@comcast.net)

October 7, 2016

Mr. Herb Anders  
Member Knoxville-Knox County MPC  
6210 Rutledge Pike  
Knoxville, TN 37924

Dear Commissioner Anders:

I write in opposition to the proposed Bentley Fields subdivision on Broome Road in west Knoxville being proposed by AKA Properties, LLC.

I am very concerned about ANY further development on Broome Road, especially this proposed development, due to unacceptable traffic and safety risks. I propose that the MPC require a Level 1 Traffic Access and Impact Study to fully assess the traffic and safety risks of this development.

A Level 1 Study may not be required for developments that are estimated to produce less than 750 new average daily vehicle trips (DVTs). The Institute of Transportation Engineers (ITE) provides a table with very arbitrary estimates of the number of new DVTs that may result from new single family houses. According to the ITE table this new development will add 353 additional DVTs.

However, this number is quite arbitrary. More than 200 professional studies of DVTs have shown that the number of new trips generated by a new subdivision varies widely and can be more than two times the overly general numbers provided in the ITE tables. ITE has published "When should a traffic study be conducted?" New DVTs is but one of six "conditions that warrant conducting a traffic study." A study is called for "When existing transportation problems are evident, such as a high crash location or at a location with complex roadway geometrics." And when "At the judgment or discretion of jurisdiction staff based on unusual circumstances."

Anyone who has traveled Broome Road knows it is dangerous, and will become more dangerous even without the Bentley Fields subdivision. For example, Broome Road is an attractive shortcut for travelers going from North Gallaher Road to Middlebrook Pike. The shortcut is one half mile shorter and the driver can avoid three stop lights. The Knoxville Regional Transportation Planning Organization (TPO) reports that there are 21,820 daily trips at the intersection of

Broome and Gallaher View, and 24,196 daily trips at the intersection of Broome and Middlebrook. Further, there is no stoplight at either intersection, making for already dangerous conditions. The traffic study done for the new Tennova hospital on Middlebrook estimates that facility will result in 8,488 new daily trips on Middlebrook, of which 34 percent will be going west toward the intersection of Broome and Middlebrook, which is only 1.4 miles from the hospital location. These new trips will be added to the already expected 2.95 percent base case annual traffic growth on Middlebrook. These are but a few of the numerous trends that will add traffic and additional danger to Broome Road during the coming two to five years.

How many travelers currently take the Broome shortcut? How many of these thousands of new trips will take the Broome Road shortcut in future years? Given these new base case conditions, what are the marginal traffic and accident implications of the hundreds of new trips to be generated by the Bentley Fields development? How many children will elect to walk from Bentley Fields to Bearden High School along Broome Road, a stretch of road with zero road shoulder? On more than one occasion I have come within inches of hitting a walker or biker as I round the 90 degree curve on Broome near Gallaher View. I shutter daily that I may accidentally take a life due to these already horrible conditions.

The traffic and safety impacts of the Bentley Field development should not be brushed aside because the expected new trips does not meet some arbitrary number on a planning table, especially given the extenuating circumstances discussed above.

I pose these issues and questions to the Commission with a degree of expertise. I am a Ph.D. Economist specializing in transportation analysis who retired from Oak Ridge National Lab after a 30 career during which I specialized in transportation modeling. I led multidisciplinary teams for the Federal Highway Administration, the Tennessee Department of Transportation and other agencies that developed some of the very models on which the Institute for Traffic Engineers numbers are based. I have published numerous professional articles in this area.

Without significant improvements to Broome Road and the intersections of Broome and Gallaher View and that of Broome Road and Middlebrook, any further development along Broome Road begs for a study of the kind of traffic and safety impacts that can only be established by a Level 1 Traffic Access and Impact Study.

I respectfully ask the Commission to require such a study.

Sincerely yours,

T. Randall Curlee, Ph.D.



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

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**[MPC Comment] Opposition to Bentley Fields - 5-SE-16-C**

1 message

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**Nicholas Meanza** <nicholas.j.meanza@gmail.com>

Mon, Oct 10, 2016 at 12:13 PM

Reply-To: nicholas.j.meanza@gmail.com

To: commission@knoxmpc.org

Dear Commissioners,

I write this letter to voice my opposition to the aforementioned Bentley Fields, proposed for development in West Hills. My wife and I moved to Knoxville just over a year ago after having moved from North Dakota when I left the US Air Force. We purchased the home at 415 Doublehead Lane which abuts the proposed development on the South.

My main concern about this development is the potential destruction of a historical site. When we first heard the story of Cavett's Station, my wife and I were thrilled to be so close to an area of such historic significance to the city of Knoxville, the State of Tennessee, and the nation as a whole. When it comes to preserving our history, you don't get a second chance. In my mind, the potential tax revenue from the development does not warrant the potential destruction of this historic site. We do not know what lies within that acreage, and quite honestly, I do not trust the developer to do the right thing should he encounter human remains or the remnants of the Cavett's family blockhouse during construction. I attended a meeting where Mr. Alley agreed to have a neutral 3rd party conduct ground penetrating radar scans of a small portion of the site. I later heard that Mr. Alley reneged on that promise, but under pressure, agreed once again to conduct the scans. This wavering raises great concern, not only that Mr. Alley will once again change his mind regarding the scans, but that he would not be forthcoming should any relevant remains or artifacts be uncovered during construction in the areas outside of the very limited scan area. I do not mean to demean Mr. Alley, and it is possible I have been misinformed regarding his intent to back out of his agreement. But regardless, the interest of the developer is financial and not in saving a historical site.

We have one chance to save this piece of history. While I realize that this development can bring in a good amount of tax revenue, there is also value in protecting our rich history. This site could be a much needed neighborhood park where people could come and learn about the post colonial heritage of East Tennessee, and pay respects that the graves of those who fought and died to live here, and those who later helped make this area what it is today.

I also agree with the sentiments of my neighbors that the placing 30 or more homes on this property is simply overkill, and runs counter to the established aesthetic of the area. The large wooded plots are what draws people to West Hills. If this development is approved, I will have 4 homes overlooking my backyard that have only 16 feet between them. This density will be an eyesore, and certain traffic hazard as already noted by many of my neighbors.

For the above reasons, we ask that the MPC deny the application to develop this property.

Thank you for your consideration,

Nicholas and Allison Meanza  
415 Doublehead Lane

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





Mr. Tom Brechko  
Subdivision and Development Plan Review  
400 Main Street  
Suite 403  
Knoxville, TN 37902

October 6, 2016

Ref: Calling for Mr. David Alley to defend his designation of the alleged boundary for Mars Hill cemetery

(MPC Case #: 5-SE-16-C)

Mr. Brechko,

Enclosed please find a letter that I wrote to several MPC Commissioners. The content of this letter may eventually reach your desk for your attention.

Please allow me to briefly summarize the essence of this letter slightly differently:

Simply stated, the heart of my letter concerns the identity of the historic Mars Hill cemetery. The developer, Mr. David Alley, has designated ~ 0.8 acres for the cemetery in his concept plan. However, the Tennessee Department of Environment and Conservation obviously views it differently as being a much larger 2.4 acre cemetery (see attached 2003 Addendum: 40Kn67, page 2).

It is extremely misleading to imply that graves have been found outside the Mars Hill cemetery. Instead, it should be stated that unmarked graves being found are an integrated part of the true cemetery itself; for which only one-third (1/3) are marked and visible above ground.

It is up to Mr. Alley to submit legal document(s) to address this huge discrepancy between his designation and the Tennessee Department of Environment and Conservation record. Any eventual resolution would have to be disclosed to the public and be accepted by all parties.

Sincerely yours,

Dr. Chia. C Shih  
408 Doublehead Lane  
Knoxville, TN 37909

Enc: October 5, 2015 letter to MPC Commissioners

Enc: Tennessee Department of Environment and Conservation (2003 Addendum: 40Kn67) Page 1, 2.

October 5, 2016

MPC Commissioner

Ref: The proposed Bentley Fields (Bentley Estates) subdivision off Broome Road in the West Hills area  
(MPC Case #: 5-SE-16-C)

Dear Commissioner:

This is a follow up of my letter sent to you on July 12, 2016. In that letter I presented to you with evidence that the current Bentley Estates subdivision proposal significantly infringed the Mars Hill cemetery stated in the Archaeological Site Survey Record of the Tennessee Department of Environment and Conservation (2003 Addendum: 40Kn67). If the Bentley Estates subdivision proposal is accepted, 1.6 acres of the protected cemetery land would be lost to commercial development. I proposed that the burden should rest on the developer to prove that the proposed subdivision plan is in compliance with the Tennessee Cemetery & Burial Site Laws.

The subsequent revised proposed subdivision plan (which the developer requested to be postponed at the last minute) was completely silent on the above issue. In order to eliminate any chance that the developers may claim they are not aware of this official state record, I am enclosing page 1 to page 2 of the official record where it explicitly stated that the Mars Hill cemetery size is 10,000 square meters. (long axis = 100 m and short axis = 100 m).

Would you please kindly discuss this issue with the MPC staff and specifically require that the developer disclose to the public on how they plan to comply with the Tennessee Cemetery & Burial Site Laws. Given the highly significant historical heritage of the site, the sizable infringed 1.6 acres out of the total 2.4 acres should also be protected. In case the developers remain silent on the infringement issue and provide no acceptable explanation, I would urge you to reject the subdivision proposal.

Sincerely yours,

Dr. Chia C. Shih

Enc: Tennessee Department of Environment and Conservation (2003 Addendum: 40Kn67) Page 1, 2.  
cc: Tom Brechko, Subdivision and Development Plan Review

40K67-Cave's Station, 2003 addendum

Date Range (historic sites only):  
02 Pre-1770                      05 1881-1865                      08 1933-present  
03 1770-1819                      06 1866-1900  
04 1820-1860                      07 1901-1932

Human Remains:  
00 Unknown                      02 Isolated Intact Burial(s)                      04 Absent (historic sites only)  
01 Scattered Surface Remains                      03 Cemetery                      05 Unknown, but likely

Ownership:  
02 Private Individual/Corporation                      04 State of Tennessee  
03 Local Government                      05 Federal-TVA, COE, etc.

Site Size (In meters):  
 Long axis and direction 100                      Short axis and direction 100                      Area in sq.m. 10,000

Basls for Size Estimate:  
01 Taped                      03 Guessed                      05 Estimated from map  
02 Paced                      04 Transit/allidade

Boundary:  
Partial (explain in site description)                      Inclusive

Land Use/Ground Cover:  
01 Grassland/Pasture                      05 Improved Forest/Orchard                      09 Roadway  
02 Cullivation                      06 Intermittent Flooding                      10 Open and Eroded  
03 Secondary Growth                      07 Inundated/Shoreline                      99 Other (explain in site description)  
04 Unimproved Forest                      08 Urban

Condition/Percent Disturbed:  
01 Undisturbed [excellent]                      04 51-75% [fair]                      07 Percent Unknown  
02 <25% [very good]                      05 76-99% [poor]  
03 26-50% [good]                      06 Destroyed

Level of Investigation:  
01 No Collection                      04 Surface Collection + Test Units (Phase I+)                      06 Excavation Program  
02 Surface Collection (grab bag)                      05 Extensive Testing Program (Phase II)                      07 Total Excavation  
03 Surface Collection (intensive, may include shovel tests)

Reporter Type:  
01 Private Consulting Firm                      04 Amateur Society Member                      07 Student (volunteered rpt.)  
02 Agency or Non-educ. Inst.                      05 Landowner                      08 Professional (volunt'd rpt.)  
03 Educational Institution                      06 Private Individual

Last Day of Investigation: Month 3, Day 7, Year 03                      New Site                      Previously Recorded

→ but new location

Required Additional Information:

- one photocopy of a USGS topographic map with an accurate site boundary—a star or dot is unacceptable;
- three copies (at least one on acid-free paper) with the following
  1. field number and/or site name on each page;
  2. landowner, tenant, easement holder;
  3. verbal directions to the site (if appropriate or helpful in rural areas);
  4. survey conditions, statement on level of survey, & explanation for limitations in determining site boundary;
  5. landform, setting, distance and direction to water;
  6. cultural affiliation, site type, date range, features, artifact concentrations, summary of observed/collected artifacts
    - for prehistoric sites, specify temporally sensitive artifacts that support cultural affiliations (an absence of aboriginal ceramics on a site with only lithic debitage is inadequate for recording a site as an Archaic camp);
    - with few exceptions, a pre-1933 date must be established for historic sites;
    - historic date ranges and site type designations must be supported by descriptions of period or date specific artifacts, structural remains, archival maps, or deeds (nails, glass, and brick alone are inadequate for recording a site as a rural domestic house or farmstead);
  7. associated history, persons, buildings (historic sites);
  8. nature/extent of past and anticipated disturbance;
  9. title, author and date of the report in which the site is/will be reported;
  10. location of any additional information such as reports, maps, local informants, etc.;
  11. artifact inventory (tabulate large collections); photo media/quantity; temporary & permanent repositories;
  12. reporter name, affiliation, address, phone, fax, email, and date.





2003 Addendum: 40Kn67  
 Date Assigned: 4/29/1981

Submittal of an archaeological site survey record and the required additional information constitutes a request for assignment of a state number to a new site, or revises information on a previously recorded site. After May 30, 1999, any other version of the record will not be accepted. Send three copies to the Site File Curator at the above address. At least one copy must be on acid-free, lignin-free, non-recycled archival quality paper such as Perma/Dur®, using Pigma brand pen, No. 2 pencil, laser printer, or photocopier. Do not use a bubble jet printer or other water-based ink. Do not staple. Upon receipt of a properly completed submittal, the state site number and location data will be added and one copy will be returned to the reporter.

The decision to assign a state site number will be based on several factors such as landform, physiographic region, size of site relative to the number and type of artifacts, level of survey and conditions, and previous disturbance. Request a preliminary determination if there is a question regarding site status.

**Site name: Cavet's Station**

If completing an electronic version, double click on check box to access options; check all that apply.

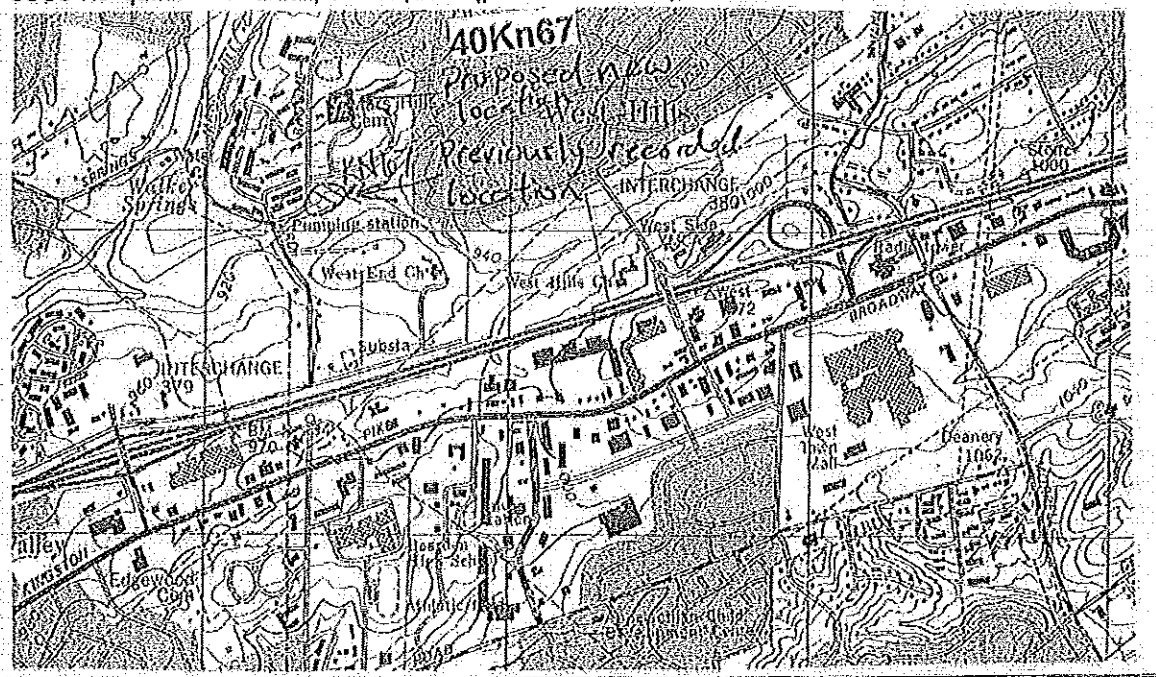
**Cultural Affiliation:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> 0001 Undetermined Prehistoric | <input type="checkbox"/> 0009 Early Gulf Formational  | <input type="checkbox"/> 0017 Early Mississippian            |
| <input type="checkbox"/> 0002 Paleoindian              | <input type="checkbox"/> 0010 Middle Gulf Formational | <input type="checkbox"/> 0018 Middle Mississippian           |
| <input type="checkbox"/> 0003 Transitional Paleo       | <input type="checkbox"/> 0011 Late Gulf Formational   | <input type="checkbox"/> 0019 Late Mississippian             |
| <input type="checkbox"/> 0004 Archaic                  | <input type="checkbox"/> 0012 Woodland                | <input type="checkbox"/> 0020 Protohistoric                  |
| <input type="checkbox"/> 0005 Early Archaic            | <input type="checkbox"/> 0013 Early Woodland          | <input type="checkbox"/> 0021 Contact Period Indian          |
| <input type="checkbox"/> 0006 Middle Archaic           | <input type="checkbox"/> 0014 Middle Woodland         | <input checked="" type="checkbox"/> 0022 Historic Indian     |
| <input type="checkbox"/> 0007 Late Archaic             | <input type="checkbox"/> 0015 Late Woodland           | <input checked="" type="checkbox"/> 0023 Historic Non-Indian |
| <input type="checkbox"/> 0008 Gulf Formational         | <input type="checkbox"/> 0016 Mississippian           | <input type="checkbox"/> 0024 Pleistocene Fauna              |

**THIS BLOCK IS FOR DIVISION USE ONLY**

<b>Site Type:</b> Historic - military - blockhouse, frontier station & small battlefield	<b>North Latitude:</b> 35° 56' 01"
<b>County:</b> Knox	<b>West Longitude:</b> 84° 03' 28"
<b>Physiographic Div.:</b> Valley and Ridge	<b>UTM: (NAD27) Zone:</b> 16
<b>Drainage:</b> 19C	<b>Easting:</b> 765430
<b>Elevation:</b> 1020 ft. AMSL	<b>Northing:</b> 3980400

**USGS 7.5' quad:** Beardan, 138 NE, 1978 (photorevised 1990); Scale 1:24000; 20 ft. contour intervals



Ms. Connie Shih  
408 Doublehead Lane  
Knoxville, TN 37909



Ms. Rebecca Longmire  
Knoxville-Knox County MPC  
400 Main Street Suite 403  
Knoxville, TN 37902

October 6, 2016

**Ref: MPC Case #: 5-SE-16-C BENTLEY FIELDS (BENTLEY ESTATES)**

Dear Ms. Longmire,

On July 13, 2016, I wrote to you expressing my concern about the proposed Bentley Fields subdivision off of Broome Road. My specific concerns were that the proposed subdivision encroached on unmarked graves of the historic Mars Hills Cemetery, and that the developer, Mr. David Alley, had not done his due diligence to preserve the integrity of the cemetery. Nearly four months later, I am writing to strongly reiterate my concern about the above proposal.

At the August 11<sup>th</sup> MPC meeting, Mr. Glen Glafenhein appeared before the Commission to request a last minute postponement on the Bentley Fields proposal. Mr. Glafenhein acknowledged there were inconsistent results of two studies of the area outside the Mars Hill Cemetery (one study commissioned by Mr. Alley and a Ground Penetrating Radar study conducted by the University of Tennessee's Department of Anthropology) and therefore requested postponement, which was granted by the Commission.

After the August MPC meeting, Mr. Alley and Mr. Glafenhein met with several concerned residents of the adjoining Cavett's Station neighborhood and members of the University of Tennessee Department of Anthropology (including Dr. Charles Faulkner, a noted anthropologist who has written a book called the "The Massacre at Cavett's Station"). During the meeting, Mr. Alley and Mr. Glafenhein agreed to have another more extensive Ground Penetrating Radar study done by the University of Tennessee Department of Anthropology on the area surrounding the marked graves of the Mars Hill Cemetery to determine the extent of the number of unmarked graves surrounding the site and the historical boundary of the cemetery.

Since the meeting with residents, however, Mr. Alley has cancelled plans for the additional Ground Penetrating Radar study and has chosen to proceed with his concept plan without giving the Cavett's Station residents a reason for why the study was cancelled.

I am deeply disturbed by Mr. Alley's recent actions and his lack of transparency and consistency. With him reneging on his agreement with residents at this planning stage, how can we trust that he won't renege on his proposed concept plan if approval is granted by the Commission?

Unless Mr. Alley follows through with his commitment to conduct the Ground Penetrating Radar study, it would be premature to proceed without further evaluation for all parties involved. If this is the case, I urge you to reject the Bentley Fields proposal to be presented to the Commission.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive that reads "Connie Shih".

Connie Shih

10/6/16

Ms. Laura Cole  
Knoxville-Knox County MPC  
400 West Main  
Suite 403  
Knoxville, TN 37902



RE: Residential Development Proposed for Broome Road and to be considered as Item Number 11 at the MPC Meeting to be Held on Thursday, October 13, 2016 at 1:30 PM

Dear Commissioner;

I am writing, as a professional Architect and a West Hills/ Westborough Road Resident, to strongly request that you, and your fellow Commissioners, reject and not approve this proposed development. The quality, character, aesthetics, density and overall nature of this proposed development are all contrary and detrimental to those of the immediately adjacent neighborhood, i.e. Westborough Road and Kempton Road. Westborough and Kempton Roads define a residential neighborhood that was established as a quality residential area more than thirty five years ago and has been actively maintained as such by its residents ever since. I, and I believe I speak for my neighbors when I say this, did not move to Westborough Road to have my neighborhood real estate comparables reduced by a development of vinyl siding. I did not move to Westborough Road to have my neighborhood real estate comparables reduced by a gaggle of small houses thirty six feet apart from each other. There are times when factors other than pure profit should be considered when building. That is why organizations such as MPC are created. I feel that this is one of those times.

Having mentioned "other factors", I wish to mention two other issues I have regarding this proposed development. The first concerns the number of cars to be generated by the development. These cars will enter onto Broome Road at a point that has a very short distance between two sharp curves. The sight lines are very poor at this location and traffic along this stretch of Broome Road already tends to travel at too high a rate of speed.

The second item of addition concern is Mr. Ally's apparent change in concern over verifying whether or not the property contains any graves outside of the known cemetery. Mr. Ally's attitude, as expressed during meetings with the West Hills Community Association, causes me to ask that the MPC stand as the spokesman of the greater good for the greater Community.

Thank you for your time, your attention and your service.

A handwritten signature in cursive that reads "Gale H. Hedrick III".

Gale H. Hedrick III  
707 Westborough Road  
Knoxville, TN





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

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**[MPC Comment] Cavett Station/Mars Hill Cemetery Development**

1 message

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**holly.matthews via Commission** <commission@knoxmpc.org>

Tue, Oct 11, 2016 at 4:25 PM

Reply-To: holly.matthews@yahoo.com

To: "commission@knoxmpc.org" &lt;commission@knoxmpc.org&gt;

Dear Commissioners,

I am writing as a concerned citizen to urge you to protect the unmarked graves in the Mars Hill Cemetery in the Cavett Station area from development. Local historians, such as Cavett Station expert Dr. Charles Faulkner, believe that graves are located outside of the present-day fence of the cemetery. Historic and church records suggest that there may be up to 500 graves in the vicinity.

I appreciate your commitment to encouraging responsible growth and development while preserving neighborhoods and staying attuned to the concerns of residents. Surely the desecration of unmarked graves and the development of one of Knoxville's historic first frontiers, the Cavett Station massacre site, do not meet the criteria of responsible development. Development would be neither appropriate nor reasonable.

Thank you for your service as an MPC Commissioner and for your consideration of this request to honor your sacred trust as a commissioner by preserving an important part of Knoxville history and protecting historic graves.

Sincerely,  
Holly Matthews  
Knoxville, TN

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



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

## [MPC Comment] Construction project on Mars Hill, next to Alexander Cavet Station

**Stella Huerfano** <shuerfano@gmail.com>

Wed, Oct 12, 2016 at 7:55 PM

Reply-To: shuerfano@gmail.com

To: commission@knoxmpc.org, herb@clairbornehauling.com, eason.mpc@gmail.com, mgoodwin.mpc@gmail.com, jtocher.mpc@gmail.com, Rep.martindaniel@capitol.tn.gov, mayor@knosvilletn.gov, contact@knoxmpc.org

Dear MPC Comissioners, Rep Martin, and Mayor Madeline Rogero,

I am writing to you, because I have been living in the Alexander Cavet Station house 8320 for six years and eight months already, and only very recently I have found out that we have a 1793 mass grave near our boundary, on 438 Broome Road, Mars Hill. (see more information here:<https://sites.google.com/site/tnhistoryproject/home/1790s/1793--mars-hill-cemetery>)

I am impressed this landmark, this historical place, is so hidden.

We live in times where schools and children will profit from discussing the past, to recreate it, and to imagine different possibilities for its past outcome.

We are in a world where we cannot, any longer, ignore the migrations.

As in the past, our ancestors came from Europe trying to find a place to live, and to thrive and to fulfill their dreams. Today, other migrants are doing the same, for very much similar reasons.

We cannot repeat the dreadful past. We need landmarks that allow us to get together to reflect into what had happened in our land, and to look towards to our future. With creativity, imagination, and love for the other and ourselves we can construct together a brighter future for our children.

I strongly oppose the construction project presented to your Metropolitan Planning Commission by AKP Properties LLC, which will destroy the mass grave, the site, and the whole neighborhood.

In an interview on August 16 2016, Glen Glafenhein the representative of AKP Properties LLC, said (min 1:52 news clip below):

"any time when you develop you are proud of what you do, you try to make the community better than it was before you came there.."

I cannot see how the project he represents can make this great natural space and this historical landmark "better than it was before (he) you came there".

To see, the whole news clip, please, click here--> <http://www.wbir.com/news/local/neighbors-concerned-housing-development-will-be-built-on-unmarked-graves/270912952>

On the contrary to his statement, it is my believe that the project will destroy the terrain, and the natural environment surrounding the cemetery and the cemetery itself.

The two reason for the destruction of this amazing site are:

First: The access road is no more than 7 meters (23 feet) wide.

The access road, Broome Road is excessively narrow and treacherous and on top of that there is no extra public space to make it wider.

There is simply no space for new roads.

Vehicular traffic is not going to be a bottleneck for the residents, but instead is going to be real "knot" every single moment during the day or night, for all who decide to transit in and out the area.

There is simply NO space for new roads unless the cemetery is destroy or largely reduced in area.

The place is dammed to be jammed all the time. This because the large number of units that are going to be built.

The place could be used to build or one or two houses at most, without creating vehicle traffic jams.

There are no pedestrian sidewalks. The construction project as it is will create a public hazard, for all involved, in case of fire, or any other natural, or not natural disaster.

Second: The area is hollowed. There are already two nearby BIG sinkholes.

The construction, the weight of trucks, workers, construction materials, construction machinery, and then the weight of the many houses and their inhabitants will be too stressful on the surface area to resist it. The construction will destroy the ground eventually.

The nice top hill will sink with all its population some years in the future.

As it is known Knox county has more than 15 hundred sinkholes with an accumulated volume of more than 1.5 million cube meters. Knox is a county with one of the highest numbers in depth and in volume of its sinkholes.

The reason for the development of so many sinkholes in Knox country is its high density population and the presence of limestone underneath the ground.

More information about the sinkholes in all the counties in Tennessee can be found in

<http://tnlandforms.us/landforms/sinks.php>

I wonder if the developer has already complied with the current sinkhole regulations for the Knox county:

The regulations are listed in the following webpage:

[https://www.municode.com/library/tn/knox\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH26EN\\_ARTVISTMA\\_DIV3FLRE\\_S26-198REDEDRSI](https://www.municode.com/library/tn/knox_county/codes/code_of_ordinances?nodeId=PTIICO_CH26EN_ARTVISTMA_DIV3FLRE_S26-198REDEDRSI)

I think all the Cavet Station neighbors deserve to be informed about this important issue, and we should be provided with copies, or with access to the corresponding studies, long before the project is approved, let alone started.

I would like to be told where I can read and study the documentation AKP Properties LLC has submitted to satisfy the sinkhole regulations.

I thank the attention you give to my opinion and my request of information about the sinkhole study of the area in question.

Sincerely,

Stella Thistlethwaite (nee Stella Huerfano)

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



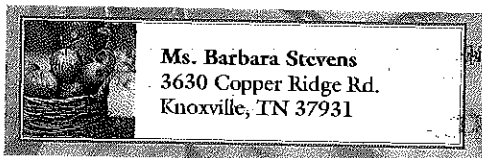
3630 Copper Ridge Road  
Knoxville, TN 37931  
October 10, 2016

Dear Janice L Tocher,

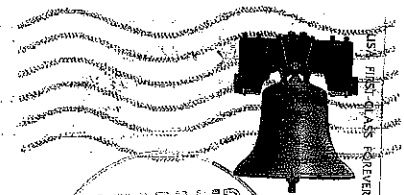
As a retired school teacher with thirty-four years of experience and a Knox County property owner, I request that you protect the Lovell Station Cemetery boundaries. Also include the outside edges where the slaves could be buried.

I am a lover of history who respects the deceased.  
I seldom bother you, but this is so important to me.

Sincerely,  
Barbara Stevens



KNOXVILLE TN 37937  
OCT 20 2016 PM 3:1



JANICE L. TOCHER  
KNOXVILLE-KNOX CO  
SUITE 403

RECEIVED  
OCT 14 2016  
Knox County  
Planning Commission

SUBDIVISION - CONCEPT

Name of Applicant: AKP Properties, LLC Date Filed: 3/28/2016 Meeting Date: 5-12-16 Application Accepted by: Thomas Brechler Fee Amount: \$1430.00 File Number: Subdivision - Concept 5-SE-16-C Fee Amount: Related File Number: Development Plan

PROPERTY INFORMATION

Subdivision Name: Bentley Estates of Booneville Unit/Phase Number: South of General Location: Boone Road near Chadwick Drive East side Tract Size: 11.67 acres No. of Lots: 31 Zoning District: R-1E Existing Land Use: Vacant Planning Sector: NW City Growth Policy Plan Designation: Urban Growth

Census Tract: 45 Traffic Zone: 158 Parcel ID Number(s): 120 AA 02 Jurisdiction: City Council 2nd District

AVAILABILITY OF UTILITIES

List utility districts proposed to serve this subdivision: Sewer: KUB Water: KUB Electricity: KUB Gas: KUB Telephone: ATT

TRAFFIC IMPACT STUDY REQUIRED

No Yes

USE ON REVIEW

Approval Requested: Development Plans in Planned District or Zone Other (be specific):

VARIANCE(S) REQUESTED

No Yes (If Yes, see reverse side of this form)

PROPERTY OWNER/OPTION HOLDER

PLEASE PRINT Name: AKP Properties, LLC Company: Address: 2099 Thunderhead Road, Suite 200 City: Knoxville State: TN Zip: 37922 Telephone: 665 389-7361 E-mail: glen.glatenkein@gmail.com

PROJECT SURVEYOR/ENGINEER

PLEASE PRINT Name: David Campbell Company: Ideal Engineering Solutions Address: 325 Wooded Lane City: Knoxville State: TN Zip: 37922 Telephone: (665) 755-3575 E-mail: dcamp44@tds.net

APPLICATION CORRESPONDENCE

All correspondence relating to this application (including plat corrections) should be directed to:

PLEASE PRINT Name: David Campbell Company: Ideal Engineering Address: 325 Wooded Lane City: Knoxville State: TN Zip: 37922 Telephone: (665) 755-3575 E-mail: dcamp44@tds.net



**VARIANCES REQUESTED**

1. Reduction in Horizontal Curve from 250' to 200'  
Justify variance by indicating hardship: shape of property

2. \_\_\_\_\_  
Justify variance by indicating hardship: \_\_\_\_\_

3. \_\_\_\_\_  
Justify variance by indicating hardship: \_\_\_\_\_

4. \_\_\_\_\_  
Justify variance by indicating hardship: \_\_\_\_\_

5. \_\_\_\_\_  
Justify variance by indicating hardship: \_\_\_\_\_

6. \_\_\_\_\_  
Justify variance by indicating hardship: \_\_\_\_\_

7. \_\_\_\_\_  
Justify variance by indicating hardship: \_\_\_\_\_

**APPLICATION AUTHORIZATION**

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, as listed on this form. I further certify that any and all variances needed to meet regulations are requested above, or are attached. I understand and agree that no additional variances can be acted upon by the legislative body upon appeal and none will be requested. I hereby waive the requirement for approval or disapproval of the plat within sixty (60) days after its submission, in accordance with the provisions of Tennessee Code Annotated 13-3-404.

PLEASE PRINT

Name: David Campbell

Address: 325 Wooded Lane

City: Knox State: TN Zip: 37922

Telephone: 605 755-3575

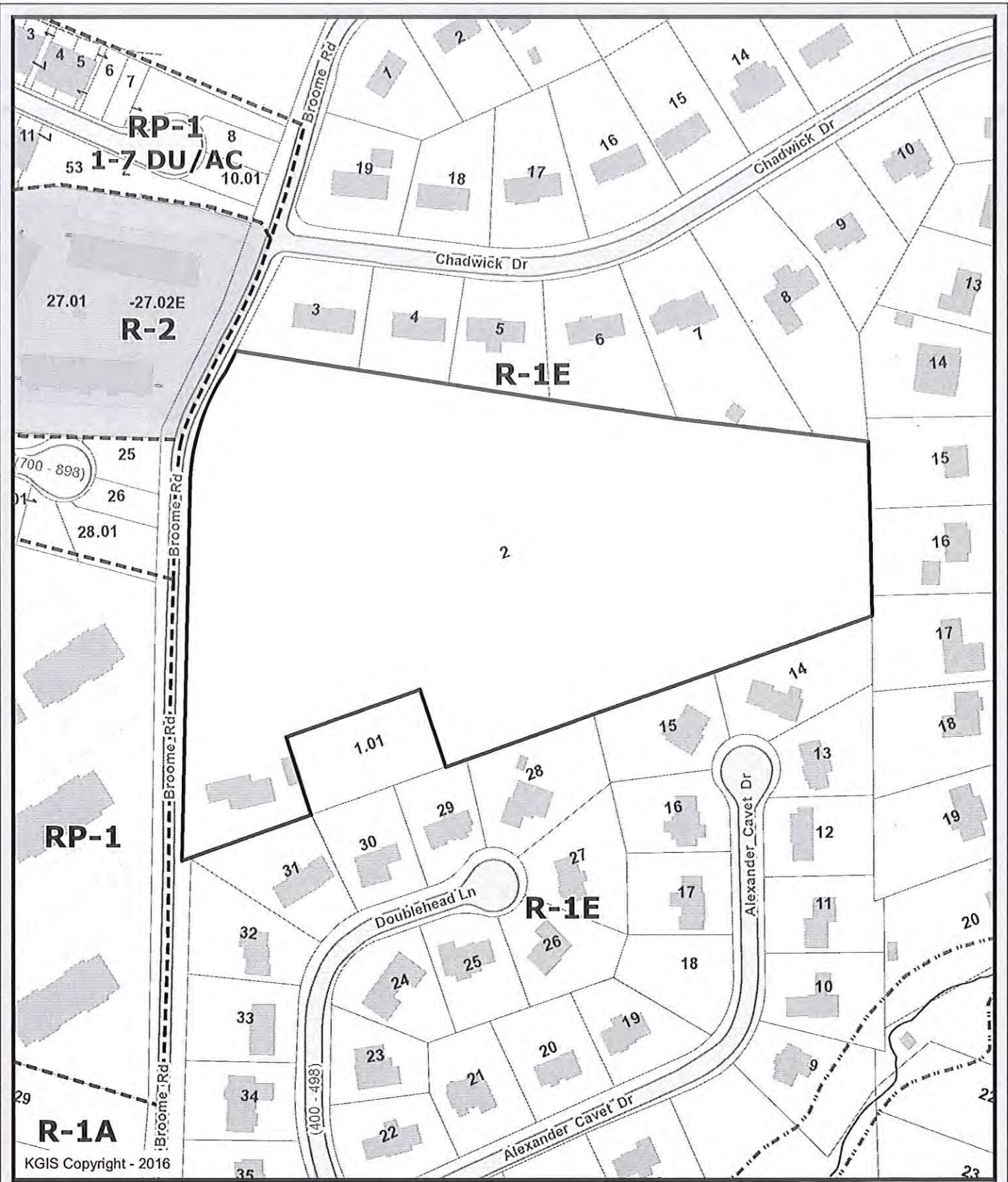
Signature: [Handwritten Signature]

Fax: \_\_\_\_\_

Date: 3-20-16

E-mail: dcamp44@tds.net

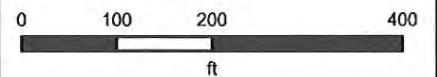




Letter Portrait

Printed: 3/28/2016 at 4:25:05 PM

Knoxville - Knox County - KUB Geographic Information System



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