



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

[MPC Comment] MPC File No. 7-D-16-RZ

1 message

Briton S. Collins <bcollins@kmfpc.com>

Mon, Nov 7, 2016 at 4:07 PM

Reply-To: bcollins@kmfpc.com

To: "commission@knoxmpc.org" <commission@knoxmpc.org>

Cc: "gerald.green@knoxmpc.org" <gerald.green@knoxmpc.org>, "srwise@wiseandreeves.com" <srwise@wiseandreeves.com>

Chairwoman Longmire:

I represent a number of homeowners who are in opposition to the rezoning request submitted by S & E Properties designated as MPC File No. 7-D-16-RZ. That rezoning request is on MPC's November 10, 2016 agenda as item number 26. Due to the complexity of the issues relative to that rezoning request – in particular issues pertaining to whether there is sufficient right-of-way to allow for necessary infrastructure improvements – I respectfully request that I be provided more than the usual five minutes to present the opposition's position.

Thank you for your consideration.

Respectfully,

Briton

Briton S. Collins, Esq.

Kennerly, Montgomery & Finley, P.C.

550 Main Street, Fourth Floor, Knoxville, Tennessee 37902

P.O. Box 442, Knoxville, Tennessee 37901

Phone: (865) 546-7311

Fax: (865) 524-1773

E-mail: bcollins@kmfpc.com | www.kmfpc.com

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This message was directed to commission@knoxmpc.org

7-D-16-RZ - cor - Kennerly

KM KENNERLY MONTGOMERY

Attorneys & Counselors Since 1916

E-MAIL: bcollins@kmfpc.com



August 31, 2016

Knoxville-Knox County Metropolitan Planning Commission
Attn: Mike Reynolds
400 W. Main St, #403
Knoxville, Tennessee 37902

VIA HAND DELIVERY

Re: File Number 7-D-16-RZ

Mr. Reynolds:

Enclosed for filing please find an August 31, 2016 survey prepared by Gary C. Clark (the "Clark Survey"), which addresses some of the property line and right-of-way issues surrounding the above-referenced file number.

As you will see, the Clark Survey contradicts the property lines indicated on the August 6, 2016 survey submitted by the applicant, which was prepared by Lynch Surveys LLC (the "Lynch Survey"). Relying on field measurements obtained by locating and surveying the boundaries described in applicable deeds of record, the Clark Survey clearly shows that the known property lines around Millstone Lane near its intersection with Freels Lane are significantly narrower than indicated on the Lynch Survey. Specifically, the property owned by Tim Gibson to the south of Millstone Lane is only 6-7 feet from the roadway edge rather than 15-16 feet as suggested by the Lynch Survey.

We have still not located any documents dedicating right of way to Knox County for this particular strip of Millstone Lane. This being the case, I do not see how Knox County can legitimately claim right of way rights outside of the existing roadbed. We believe that, in fact, there may be bands of property on the north and south sides of Millstone Lane that were not conveyed by some old deeds parceling out this area and are still owned by unidentified persons. This would include the 6-7 foot strip between Mr. Gibson's property and the roadway edge. We have not yet commenced a full title search to identify these persons because we just received the Clark Survey showing the known boundary lines; however, ascertaining with certainty the existence and identity of these potential property owners is imperative because they have property rights that could be impacted by a rezoning.

Furthermore, the Clark Survey shows that the boundaries of the applicant's property and that of Tim Gibson to the east are not as indicated on the Lynch Survey. Contrary to the Lynch Survey, the northern line of Mr. Gibson's property actually extends west across Freels Lane and into the area for which the applicant has requested rezoning. Although the section of Mr.

KENNERLY, MONTGOMERY & FINLEY, P.C.
550 MAIN STREET, FOURTH FLOOR | KNOXVILLE, TENNESSEE 37902
P.O. BOX 442 | KNOXVILLE, TENNESSEE 37901
PH (865) 546-7311 | FX (865) 524-1773 | WWW.KMFPC.COM

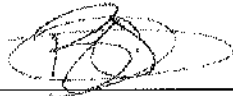
Gibson's land to the west of Freels Lane is admittedly small, this does not change the fact that the applicant does not have the authority to request a rezoning for this property owned by Mr. Gibson.

In light of this new information, we believe that the rezoning should either be denied or postponed indefinitely in order for these issues to be resolved.

Thank you for your attention to this matter. Please feel free to contact me should you have any questions.

Respectfully,

KENNERLY, MONTGOMERY & FINLEY, P.C.

By: 

Briton S. Collins, Esq.

Enclosure

Cc: Arthur Seymour, Jr., Esq.

ARTHUR G. SEYMOUR, JR.
ROBERT L. KAHN
REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
JOHN M. LAWHORN
JAMES E. WAGNER
BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHIARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
KEVIN A. DEAN
DANIEL F. WILKINS



office 865.546.9321
office fax 865.637.5249

550 W. Main Street
Suite 500
P.O. Box 39
Knoxville, Tennessee 37901

of counsel
FRANCIS A. CAIN
IMOGENE A. KING
JASON T. MURPHY

fmsllp.com

Email: ajseymour@fmsllp.com

Direct Fax: 865-541-4612

July 14, 2016

Via email only to: commission@knoxmpc.org

MPC Commissioners

Knoxville-Knox County MPC
Suite 403, City County Building
400 Main Street
Knoxville, Tennessee 37902

Re: Agenda Item #31
S & E Properties

Dear Commissioners:

This letter is written on behalf of the applicant for the above rezoning which requests Planned Residential.

The property is located on Millstone Lane, adjacent to the West Valley Middle School. The property around it is zoned from Medium Density Residential to Low Density Residential.

The subject property is classified as Low Density Residential under the Sector Plan, which would allow up to 5 units per acre.

The MPC staff recommended 3 dwelling units per acre and the applicant is requesting 3.5 units per acre, which is 1 ½ units under what would be permitted by the Sector Plan.

As mentioned, the property is essentially adjacent to the West Valley Middle School. It has little or no slope on it.

Since it is in the parental responsibility zone, sidewalks will be provided within the subdivision and there will be a sidewalk connection from the entrance to the subdivision to the existing sidewalk in front of the middle school.

July 14, 2016

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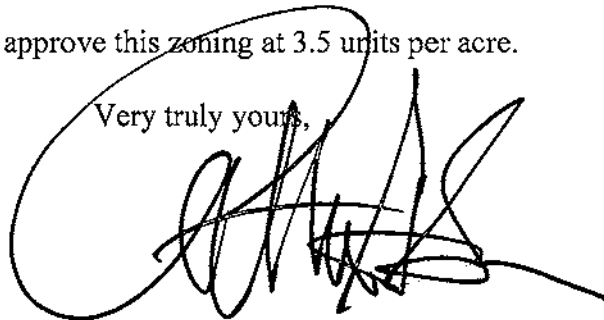
The applicant recognizes that from Freels Lane to the entrance to the subdivision on Millstone Lane, there will probably need to be road improvements and is prepared to fund those.

There may be opposition from residents. Millstone Lane ends just to the west of this property. With the road improved, there should be no traffic issues there.

Since this is an application for Planned Residential zoning, the next step if the zoning is approved would be submittal of a Concept Plan and Use-on-Review. This would show the layout of the subdivision, buffers between it and adjoining properties, road layout, etc. The applicant will meet with all adjoining property owners to discuss the Concept Plan.

We would urge you to approve this zoning at 3.5 units per acre.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Arthur G. Seymour, Jr.', written over the typed name below.

Arthur G. Seymour, Jr.

FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:lbb