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April 10, 2017



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

Via Hand Delivery

**Re: Millstone Concept Plan/Use on Review
File Numbers 8-SC-16-C and 8-H-16-UR**

To Whom It May Concern:

Enclosed please find a letter in opposition to the above-referenced concept plan/use on review, which is agenda item number 14 on MPC's April 13, 2017 meeting agenda. I would appreciate you filing the enclosed letter as part of the official record and distributing a copy of the same to each of the planning commissioners in advance of the meeting.

Thank you for your assistance.

Respectfully,

KENNERLY, MONTGOMERY & FINLEY, P.C.

By: 

Briton S. Collins, Esq.

Enclosure

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**Re: Millstone Concept Plan/Use on Review
File Numbers 8-SC-16-C and 8-H-16-UR**

Dear Commissioners:

This law firm represents a large contingent of homeowners who live near this proposed subdivision. The purpose of this letter is to provide you with the following observations, comments, and requests with respect to the revised concept plan that was filed on or about March 31, 2017:

- (1) The revised concept plan does not legitimately show the overall development plan as required by Section 5.13.15(B)(1) of the Knox County Zoning Ordinance. The overall development is 40.34 acres; however, the revised concept plan only legitimately covers 17.7 acres.
- (2) The conservation buffer depicted on the revised concept plan does not comply with the zoning condition imposed by County Commission. At the November 2016 rezoning hearing for this property, MPC unanimously recommended that there be minimum lot size requirements for any lots abutting parcels 132-049.01, 132-049.12, 132-050, and 132-050.02. At its January 23, 2017 meeting, County Commission chose to substitute a thirty (30) foot conservation buffer in place of the minimum lot size requirements. As a substitute for MPC's recommendation, the conservation buffer must apply to all lots that were previously subject to the lot size requirement (i.e., any lots that abut parcels 132-049.01, 132-049.12, 132-050, and 132-050.02). However, the conservation buffer depicted in the revised concept plan does not extend to all of the lots abutting parcel 132-050.02, and it does not extend to any of the lots that abut parcel 132-050.
- (3) The revised concept plan includes the two existing estate-sized lots and homes owned by Eddie Daniel, despite the developer representing to County Commission that they were not included. The developer and its representatives repeatedly represented to County Commission that these two properties (Lots 54 and 55) were not included in the subdivision; however, they have now been included within the development for purposes of

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diluting the effective density of the subdivision. In light of the representations made to County Commission, the developer should not be allowed to avail itself of the additional density that is enjoyed by virtue of including these two estate-sized lots.

- (4) The revised concept plan makes no provision for usable open space, in violation of Section 5.13 of the Knox County Zoning Ordinance. The Zoning Ordinance requires that at least fifteen percent (15%) of the gross development area be set aside as usable open space, and suggests that it should take the form of swimming pools, parks, playgrounds, and other public recreational uses. Given that this proposed development is 40.34 acres, a minimum of 6.051 acres should be set aside as open space.
- (5) The revised concept plan does not show all of the required physical characteristics of the site, as required by Section 42-74 of the Knoxville-Knox County Minimum Subdivision Regulations. The revised concept plan does not show all of the required physical characteristics of the site, particularly the substantial amount of woodlands.
- (6) The revised concept plan does not contain the name, mailing address and telephone number of the property owner, the developer, and any other persons directly involved in the transaction as required by Section 42-76 of the Knoxville-Knox County Minimum Subdivision Regulations. The revised concept plan indicates only that it was prepared for an entity known as Volunteer Development, LLC; however, the concept plan application was filed by Eric Moseley on behalf of another entity, S&E Properties, LLC, which is owned by Mr. Moseley and MPC Commissioner Scott Smith. None of these persons or entities are identified on the revised concept plan. Furthermore, the subject property is currently owned by two individuals, Charles Edward Daniel and Thomas J. Overton, neither of whom are identified on the revised concept plan.
- (7) MPC should insist on peripheral lot size buffering and/or more conservation buffers to ensure better compatibility with, and avoid adverse impacts on, adjacent properties. Lot size buffering and/or additional and more robust conservation easements should be required for any lots abutting parcels 132-049.01, 132-049.12, 132-050, 132-050.02, 132-046.02, 144-012, and 132-049.19. Although County Commission elected not to require lot size buffering as a condition of the rezoning, there is no reason why lot size buffers cannot and should not still be required. MPC unanimously approved lot size buffers in the rezoning phase. MPC staff has recognized the incompatibility of this development with all adjacent properties and zones. Conditions need to be imposed that protect all adjacent zones from the impact of this development and ease the transition in density and use. The existing conservation buffers and the conditions imposed by County Commission do not go far enough. They afford no protection to the existing houses on parcels 132-046.02, 144-012, and 132-049.19, who will be equally impacted by this proposed development.
- (8) MPC must ensure stringent road improvement standards for Millstone Lane. Without conceding that there is sufficient right-of-way along Millstone Lane for necessary infrastructure improvements to take place, we request that any improvements that do take place be required to mirror the existing improvements to Millstone Lane to the east.


Multiple County Commissioners, including, but not limited to, Commissioners Schoonmaker, Nystrom, and Carringer, have openly expressed their belief that any improvements to Millstone Lane should be to the same standard as the existing easterly improvements. This would include roadway width, drainage, curbs, and sidewalks. Knox County's taxpayers paid for those existing improvements; the developer should not be given more lax standards to follow.

Finally, I enclose herewith a document created by one of my clients that contains additional requests and suggestions regarding the development of this property. I hope that you will take those suggestions into consideration as you evaluate this plan.

Thank you for taking the time to review and consider my clients' comments and requests. If you have any questions or need any additional information after you have had an opportunity to consider this letter, then please feel free to contact me.

Respectfully,

KENNERLY, MONTGOMERY & FINLEY, P.C.

By: 

Briton S. Collins, Esq.

Enclosure



- 50' conservation buffer
- 30' conservation buffer
- Earthen berms with vegetation. Where adjacent to 50' conservation buffer zone place berms inside this buffer zone



Request to minimize as much density in this area as possible. Request no/or minimum street lighting. Given no current tree buffer

1

While their should be sufficient tree buffering for these lots we request that consideration be given to minimize density

1

Since the seller's homes are remaining we ask the developer to retain enough buffer around them so that they can blend into the overall neighborhood.

1

No removal of current tree buffer. Can be included n 50' conservation buffer

1

This parcel has no tree buffer in rear of property. Place earthen berms as requested with vegetation.

Additional Requests

- * Underground retention ponds especially if any located adjacent to a bordering property. Given attraction for mosquitos and chance of Zika.
- * Housing exteriors of brick, hardy plank on all 4 sides. No aluminum siding.
- * Restrict fencing to either black aluminum and or split rail with chain link mesh. This is consistent with current neighborhood fencing.
- * 35' set back from edge of conservation buffer to rear of any structure.
- * Ensure appropriate amount of common space is allotted for number of acres under development per zoning requirements. This should be over an above conservation buffers.
- * Appropriate geological surveys completed prior to breaking ground. There are significant cave systems located on this property.
- * Underground utilities
- * Per section 6 62-20 Proposed road system of a subdivision that generally provide for the continuance of existing or dedicated streets in adjoining or nearby tracks. As such, insure that Millstone improvements are made to the level that Millstone has been improved to from George Williams.
- * Attempt to maintain as many as the existing trees as possible