

4-H-09-UR

From: LARRY LOWELL <lowlow@flash.net>
To: Tom Brechko <Tom.Brechko@knoxmpc.org>
Date: 4/8/2009 5:30:02 PM
Subject: Re: Sherrill Hill Apartment Design Fluorhnoy Development / Cannon & Cannon

Tom,

Thanks for your reply. Comments in red through your reply below.

The bottom line is that Mr. Chuck Moore, 9421 Ravenwood Circle and his neighbors will be severely impacted by the parking noise and road noise south of the apartments for the changed plans.

- 1) The developer is not planning on berming for noise control. However, I believe it is in the record that Andrews Properties Inc. promised to do just that for the affected boundary homeowners.
- 2) The density is now up to 12 units / acre for the land used, not the under 9 as approved.

No-one I have talked to recalled seeing the MPC sign before April 1. There is only the single sign posted at the entrance to the construction site. The post card mailing was received on Saturday, March 28 and my e-mail of March 30 went unanswered. Thus, we still feel that insufficient notification has been given by the developers. You state that MPC notification guidelines were met. I would say the guidelines are insufficient when NEW PLANS are involved. However, the fact that a new developer has changed the plans without any notification other than by MPC is not in the spirit of timely communication that Andrews Properties Inc. promised.

We are not happy with this RUSH, RUSH, RUSH to approval and feel that someone should have made an effort to notify us before the MPC Guidelines.

Larry

--- On Wed, 4/8/09, Tom Brechko <Tom.Brechko@knoxmpc.org> wrote:

From: Tom Brechko <Tom.Brechko@knoxmpc.org>

Subject: Re: Sherrill Hill Apartment Design Fluorhnoy Development / Cannon & Cannon

To: lowlow@flash.net

Cc: bsalsbury@cannon-cannon.com, "Dan Kelly" <Dan.Kelly@knoxmpc.org>, "Mark Donaldson" <Mark.Donaldson@knoxmpc.org>, "Mike Carberry" <Mike.Carberry@knoxmpc.org>

Date: Wednesday, April 8, 2009, 3:07 PM

Larry,

Sorry for the delay in responding to your e-mail. I have been following up on the issues you have raised so that I can provide a response to them.

- 1) On the issue of proper notification on this use-on-review request, the sign was posted on Kingston Pike on Wednesday March 25th, which was 15 days prior to the meeting. In addition, post cards were mailed out to all property owners within 200' of the boundary lines for the property under consideration. When we had discussed the revised site plan early last week, you stated that you would be at our office on Thursday, May 2nd to pick up a copy of the plans. Before I left the office on Thursday morning I had put a copy of the revised site plans out at the front desk. It is my understanding that those plans were picked on Thursday, not this Monday. My wife confirms we picked up the drawings on Thursday after noon, April 2 (you were out of the office). I wrote some of this out of frustration as we are ignored by the

developer.

2) On the issue of the proposed roadway infringing on the 75 ft "No Build" zone, the Ordinance adopted by City Council does not prohibit the driveway location as proposed. In the RP-1 Zoning District, City Council Ordinance No: O-216-07 establishes a "50 foot undisturbed tree and landscape buffer (unless by agreement between the applicant and adjoining residential owners and with the approval of MPC, a berm or fence or additional landscaping is placed in the undisturbed area) with a 25 foot building set-back from the undisturbed buffer along the edge of the property giving a total building separation of 75 feet from the adjoining residentially zoned properties". This building setback does not prohibit the driveway that extends approximately 9 feet into the 75 foot building setback and is approximately 16 feet from the 50 foot Undisturbed Area. Since the grade falls away from the driveway to the residences, any berming would require more grading adjacent to the Undisturbed Area. We have asked the applicant to add additional evergreen landscaping to help reduce the impact of the driveway at that location. Thank you for this recommendation.

3) Since the revised site plan has greatly reduced the overall impact to the site by clustering the apartment development closer to the entrance to the property, the public access areas have shifted closer to the entrance. Due to this change, the trash compactor is closer to the exterior boundary, however, the compactor is located outside of the 125' building setback. The compactor will be located within a brick enclosure. We have asked the applicant to explain the operation of the compactor at the Planning Commission meeting. Thanks for the additional details.

4) The roundabout design and location has already been approved and the location of the access drive as it enters the property is restricted by the existing gas line. The majority of the driveway is on property that is not controlled by the applicant. I know, we still are unhappy with this being approved so close to the boundary.

5) As previously stated, the revised site plan reduces the overall impact to the site by clustering the development on approximately two-thirds of the site. Staff's proposed condition #7 for the use-on-review, will further protect the site for all the undisturbed areas (beyond the 50' boundary) that are designated on the landscape plan. Yes, but the building density has increased to 12. It seems too crowded.

I hope that I have addressed all of you concerns.

Tom

>>> LARRY LOWELL <lowell@flash.net> 04/05 9:36 PM >>>
Tom,

Here are the concerns in canvassing the boundary homeowners:

1) Road south of Apartments infringes on 75 ft no build zone and noise

will be an issue. Are there berming and shrub planting ordinances / recommendations by MPC for such an issue?

2) The compactor is too close to the boundary and needs a better location and perhaps operating hours and frequency guidelines.

3) The roundabout to the apartments will be heavily traveled and is also close to some of the boundary homeowners properties. Again, are berming and planting Standards going to apply here?

I read the Agenda Package and if these concerns are addressed by it, then I missed them.

Larry Lowell, Chairman
Planning & Development Committee
5 Sub-Divisions surrounding Sherrill Hill

CC: Jerry Erpenbach <Jerry.Erpenbach@truproject.com>, John Schoonmaker <binoculars@tds.net>, Gail Carroll <gailcarroll@knology.net>, Chuck Moore <cm5mk1@comcast.net>, <ddhandy@juno.com>

From: <cm5mk1@comcast.net>
To: Tom Brechko <Tom.Brechko@knoxmpc.org>
Date: 4/8/2009 11:12:32 PM
Subject: SE Corner of Sherrill Property Major Problems

Mr Brechko, our property will be very negatively impacted by the proposed road that will come within 60 feet of our property line. This cuts in half the setback that is in the minutes and previous legal agreements that were made with Raymond Higgins. We are extremely opposed to a plan that would abolish the berming that has been promised so often by Mr Higgins both verbally and in writing. I still have copies and can provide if necessary. Don't tell us that all we get are a few small bushes and trees around this road. What you have is a legal loophole they can jump through. With all the mega dollars they have

from HUD, you can't expect us to be stupid enough to believe that a wall, berm or some other barrier can not

be constructed. I see that in some areas the setbacks are favorable to boundary owners, but are we to be the ones to pay the economic cost of lower property values?

If you can get some concessions from Flournoy Development we can put this nightmare behind us and move on.

A fence must be built, otherwise all the children will be using our property as a path to West Valley Middle School or where ever they are going. In the rush to sneak this through, I doubt anyone on MPC has even thought of this. This would be an issue for the entire Statesview subdivision, as well as the owners of the new Condos on Confederate Drive. You need to slow down and get this right to avoid another prolonged legal fight.

Here are some common sense proposals:

- 1) A Decorative, solid wood fence four ft high for line of sight and noise abatement near the 50 ft undisturbed zone, and / or
- 2) Three or four rows of 10 ft Leland Cypress or Cedars planted 10 feet across triangulated, to fill the gap.

Your feedback is urgently requested before the MPC meeting.

Chuck and Sharon Moore
9421 Ravenwood Circle
Knoxville, Tn

CC: <Inlowell@flash.net>, <jrpbberspn@cityofknoxville.org>

From: "JoAnn Harmon" <harm4645@bellsouth.net>
To: <Tom.Brechko@knoxmpc.org>, "LARRY LOWELL" <lnlowell@flash.net>
Date: 4/9/2009 12:03:17 AM
Subject: Cannon & Cannon, Inc. - Ryan Foster Flournoy Development

Dear Mr. Brechko:

We are homeowners (Statesview Subdivision) whose property adjoins the above named development. We haven't voiced any concerns in the past, but we have some concerns about the apartment development and the changes being presented tomorrow at the MPC meeting. The development is to be a gated community but it is unclear if that means just a gate to lessen unwanted traffic or if there will be a fence. From the plans we have seen, there appears to be no fencing between our homes and the development. We are very concerned about security if there is no fencing. There is a middle school within walking distance of this development and there are no roads that provide immediate and convenient access to the school. Because of this, there will inevitably be considerable foot traffic through our yards at many different times throughout the day. That will create a major problem for the people impacted. Foot traffic could come not only from children going to the middle school but also joggers and walkers. Since there are now plans for a road and parking planned on the backside of the property, this will also increase the risk of home burglaries as it allows the criminal element in our society easy access to our homes. For these reasons, we strongly feel that fencing should be considered. As adjacent homeowners whose property will be greatly impacted, our major concern is for safety and security. We will also be impacted by road noise and would like that addressed in some way; but our greatest concern is for the foot traffic and security. If you will look at the property layout, the only road out of the development is to go to Kingston Pike to Peters Road to George Williams Road to the school. Our neighborhood is so much closer and there are sidewalks on George Williams Road; therefore, I think the idea there will be shortcuts through our property is very realistic. We hope you will address these things and we appreciate any help you can give us.

Sincerely,

Tom and JoAnn Harmon
9423 Ravenwood Circle
Knoxville, TN 37922
865-470-9588
harm4645@bellsouth.net

~~H B 07 03~~

9c

AMENDED

ORDINANCE

4-H-09-UR

ORDINANCE NO: 0-216-07

1 AN ORDINANCE OF THE COUNCIL OF
 2 THE CITY OF KNOXVILLE TO AMEND
 3 ORDINANCE NO. 3369, KNOWN AND
 4 CITED AS "THE ZONING ORDINANCE
 5 OF THE CITY OF KNOXVILLE,
 6 TENNESSEE," SO AS TO CHANGE THE
 7 ZONING CLASSIFICATION OF THE
 8 PROPERTY DESCRIBED HEREIN FROM
 9 A-1, GENERAL AGRICULTURAL
 10 DISTRICT TO PC-1, RETAIL AND OFFICE
 11 PARK DISTRICT (APPROXIMATELY 40
 12 ACRES) WITH CONDITIONS, PC-1/H-1,
 13 RETAIL AND OFFICE PARK DISTRICT/
 14 HISTORIC OVERLAY INCLUDING THE
 15 DESIGN GUIDELINES, O-1, OFFICE,
 16 MEDICAL, AND RELATED SERVICES
 17 DISTRICT (26 ACRES) WITH
 18 CONDITIONS, AND RP-1, PLANNED
 19 RESIDENTIAL DISTRICT AT UP TO 9
 20 DWELLING UNITS PER ACRE ON 39
 21 ACRES SOUTH OF THE GAS
 22 EASEMENT, WITH CONDITIONS,
 23 PROPERTY LOCATED ON THE SOUTH
 24 SIDE OF KINGSTON PIKE, SOUTH OF
 25 MARKET PLACE BOULEVARD, WEST
 26 OF N. CEDAR BLUFF ROAD, ANDREWS
 27 PROPERTIES, INC., APPLICANT. (FILE
 28 NO. 8-F-07-RZ)

ORDINANCE NO: 0-216-07

REQUESTED BY: MFC
 PREPARED BY: Law
 APPROVED AS TO FORM AND
 CORRECTNESS:

Director of Law
 FINANCIAL IMPACT STATEMENT:

Director of Finance
 APPROVED ON 1ST
 READING: 9-11-2007
 APPROVED ON 2ND
 READING: 9-25-2007
 APPROVED AS
 AN EMERGENCY
 MEASURE:

MINUTE BOOK 71 PAGE

22 WHEREAS, a request was presented to the Metropolitan Planning
 23 Commission by Andrews Properties, Inc. to have property located on the south side of
 24 Kingston Pike, south of Market Place Boulevard, west of N Cedar Bluff Road, be
 25 rezoned from A-1, General Agricultural District to PC-1, Retail and Office Park District,
 26

1 O-1, Office, Medical, and Related Services District, and RP-1, Planned Residential
2 District at up to 9 dwelling units per acre; and

3 **WHEREAS**, on August 9, 2007, the Metropolitan Planning Commission
4 approved the change in zoning classification to PC-1, Retail and Office Park
5 (approximately 40 acres), PC-1/H-1, Historic Overlay including design guidelines, O-1,
6 Office, Medical, and Related Services District (26 acres), and RP-1, Planned
7 Residential District at up to 8 dwelling units per acre on 39 acres south of the gas
8 easement; and
9

10 **WHEREAS**, a public notice on the hearing of this petition was published in
11 the Knoxville News Sentinel on July 27, 2007 and for the City Council meeting on
12 September 11, 2007, notice was published in the Knoxville News Sentinel on August
13 17, 2007.


14 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE**
15 **CITY OF KNOXVILLE:**

16 **SECTION 1:** "The Zoning Ordinance of the City of Knoxville, Tennessee,"
17 being Ordinance No. 3369, be and the same is hereby amended, so as to change the
18 classification of the following described property from A-1, General Agricultural District
19 to PC-1, Retail and Office Park (approximately 40 acres), with the condition that there
20 be a 75 foot. "no build" area from the adjacent residentially zoned properties with 50 feet
21 to be an undisturbed area (unless by agreement between the property owner and
22 adjoining residential owners with the approval of the Metropolitan Planning Commission,
23 a berm or fence or additional vegetation is placed in the undisturbed area) giving a total
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1 of 75 foot building separation from the adjoining residentially zoned properties; PC-1/H-
2 1, Historic Overlay including design guidelines such that the H-1 Overlay covers that
3 portion of the Sherill House and surrounding property as recommended for H-1 Overlay
4 by the Knoxville Historic Zoning Commission, O-1, Office, Medical, and Related
5 Services District (26 acres) as recommended by the Metropolitan Planning Commission
6 with the condition that there will be a 50 foot undisturbed tree and landscape buffer
7 (unless by agreement between the applicant and adjoining residential owners and with
8 the approval of MPC, a berm or fence or additional landscaping is placed in the
9 undisturbed area) with a 25 foot building set-back from the undisturbed buffer along the
10 edge of the property giving a total building separation of 75 feet from the adjoining
11 residentially zoned properties. Furthermore that any buildings within 100 feet of the
12 adjoining residentially zoned property be no taller that two stories; and ~~RP-1~~, Planned
13 Residential District at up to 9 dwelling units per acre on 39 acres south of the gas
14 easement with the condition that there be a 50 foot undisturbed tree and landscape
15 buffer (unless by agreement between the applicant and adjoining residential owners and
16 with the approval of MPC, a berm or fence or additional landscaping is placed in the *
17 undisturbed area) with a 25 foot building set-back from the undisturbed buffer along the
18 edge of the property giving a total building separation of 75 feet from the adjoining
19 residentially zoned properties, which property is more properly described as follows:
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23 South side of Kingston Pike, south of Market Place Blvd,
24 west of N. Cedar Bluff Road. TAX ID 132 027 (map on file at
25 MPC). Second District. Southwest County Sector
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SECTION 2: This Ordinance shall take effect seventeen (17) days from
and after its passage, the welfare of the City requiring it.



Presiding Officer of the Council

Recorder

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