FILE #: 7-D-16-RZ

APPLICANT: S & E PROPERTIES
OWNER(S): Eric Moseley

LOCATION: Southeast side Millstone Ln., west side Freels Ln.

APPX. SIZE OF TRACT: 40.34 acres
SECTOR PLAN: Southwest County
GROWTH POLICY PLAN: Planned Growth Area
ACCESSIBILITY: Access is via Millstone Ln., a local street with 13-35' of pavement width within 40-45' of right-of-way, and Freels Ln., a local street with 14' of pavement within 40-50' of right-of-way.
UTILITIES: Water Source: First Knox Utility District
Sewer Source: First Knox Utility District
WATERSHED: Sinking Creek and Ten Mile Creek

PRESENT ZONING: A (Agricultural)
ZONING REQUESTED: PR (Planned Residential)
EXISTING LAND USE: Residence and vacant land
PROPOSED USE: Residential development
DENSITY PROPOSED: 5 du/ac

HISTORY OF ZONING: The PR zoning to the northeast was approved in the 70's and 80's and are developed with densities approximately 7-11 du/ac.

SURROUNDING LAND USE AND ZONING:
North: Large lot residential / A (Agricultural)
South: Large and small lot residential, Railroad right-of-way, Golf course, / A (Agricultural), OS-1 (Open Space Preservation), PR 1-3 du/ac (Planned Residential)
East: Large lot residential, West Valley Middle School / A (Agricultural)
West: Large lot residential / A (Agricultural)

NEIGHBORHOOD CONTEXT: Adjacent development consists of large lot single-family residences, and attached and detached residences and apartments to the north. West Valley Middle School is immediately to the east and S. Peters Rd. is less than a mile away.

STAFF RECOMMENDATION:

POSTPONE to the September 8, 2016 MPC meeting to allow time for additional information to be provided regarding the right-of-way width for Millstone Lane. (Applicant requested PR up to 5 du/ac.)

Staff is recommending postponement until additional information is provided that demonstrates that Millstone Lane can be improved to accommodate the requested density. The previous recommendation by staff to
approve PR up to 3 du/ac was based on information available on the KGIS parcel map and the assumption that the necessary right-of-way was available to make improvements to Millstone Lane. However, staff has been supplied with new information that indicates the necessary right-of-way may not be available for the entire length of Millstone Lane.

COMMENTS:

The subject property is currently zoned Agricultural (A), which allows houses on 1 acre lots, the same as the properties in the immediate vicinity. There are lots approximately 1 acre in size at the end of Freels Ln. The properties along Millstone Ln., west of Freels Ln., are also zoned Agricultural, however, the lots are 2 acres in size or greater, which is consistent with the Estate (E) zone district which requires a minimum lot size of 2 acres. The properties along Millstone Ln., east of Freels Ln., are zoned Planned Residential (PR) and have lot sizes of approximately 5,000 square feet. This subdivision was developed at approximately 6 dwelling units per acre. Millstone Lane is a local road that is improved with a sidewalk on the east end near the entrance to West Valley Middle School. The western portion of Millstone Ln. has a pavement width of approximately 14’ with no sidewalk. If the PR zoning is approved, road improvements to a portion of Millstone Ln. and Freels Ln. will most likely be needed, including a sidewalk to connect to the existing sidewalk along Millstone Ln. A traffic study is typically required for residential developments that generate 750 trips per day or more, which if the site is developed at approximately 2 dwelling units per acre or more, a traffic study would be required. If the PR zoning is approved at 3 du/acre, the average lot size would be approximately 10,000 - 12,000 square feet, however, the lot sizes could be smaller if portions of the site are left undeveloped or if the lot sizes vary in size. This property is within the parental responsibility zone (PRZ) of West Valley Middle School, where school bus service is not provided. Because of this, sidewalks will be expected within the subdivision and as an improvement installed by the developer along Millstone Ln. and/or Freels Ln. from the neighborhood entrance to the existing sidewalk along Millstone Ln. In addition, the development should maintain the required 35’ peripheral boundary when submitting a development plan for use-on-review approval and should include an amenity area for the development. The northwestern portion of the subject property has frontage along an improved portion of the Millstone Ln. right-of-way. There should not be full access to this portion of Millstone Ln. from a subdivision. Access to the western end of Millstone Ln. should be restricted to lots that have a size consistent with other lots along this portion of Millstone Lane.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. This site is accessed from Millstone Ln. and Freely Ln., narrow local streets, and is adjacent to large lot residential developed under the A zoning and is in the vicinity of other small lot residential developed under the PR zoning.
2. The property is located in the Planned Growth Area on the Growth Policy Plan and is proposed for low density residential uses on the sector plan, consistent with the proposal.
3. PR zoning at 3 du/acre or greater is not compatible with the scale and intensity of the immediate adjacent properties if developed with consistent lot sizes, but is compatible with the scale and intensity of the other nearby development and zoning. If the zoning is approved, the size and width of lots that are on the exterior boundary of the development should be more consistent with the surrounding properties. Landscape screening within the peripheral setback will also need to be considered.
4. The site is within close proximity to a public middle school.
5. The PR zone requires use on review approval of a development plan by MPC prior to construction. This will provide the opportunity for staff to review the plan and address issues such as road improvements, traffic circulation, lot layout, recreational amenities, drainage, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Additionally, the zoning states that each development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the Planning Commission by review of development plans. This could include varying the lot sizes within the development so that the lots along the exterior boundary of the development are more consistent with adjacent lots than those in the interior of the development. Staff maintains that PR is an appropriate zone for the property.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY,
NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. At the requested density of up to 5 du/ac on the 40.34 acres, up to 201 dwelling units could be proposed for the site. At 3 du/ac, up to 121 dwelling units could be proposed for the site.

2. If the property is developed under PR zoning with consistent lot sizes, is not compatible with the scale and intensity of the immediate adjacent properties and zoning, but is compatible with the scale and intensity of the other nearby development and zoning. If the zoning is approved, the size and width of lots that are on the exterior boundary of the development should be more consistent with the surrounding properties. Landscape screening within the peripheral setback will also need to be considered.

3. The PR zoning district has provisions for preservation of open space and providing recreational amenities as part of the development plan. The applicant will be expected to demonstrate how these provisions are met as part of the required development plan review.

4. Public water and sanitary sewer utilities are available to serve the site.

5. Millstone Ln. will most likely require improvements if the property is developed at densities greater than approximately 1-2 du/ac. The applicant should provide documentation that the necessary right-of-way is available to make improvements to Millstone Ln, or that the appropriate amount of right-of-way can be obtained.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Southwest County Sector Plan proposes low density residential uses for this property, consistent with the requested PR zoning at up to 5 du/ac.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. The site is appropriate to be developed under PR zoning because it is within the recommended density range in the Low Density Residential sector plan designation (max. 5 dwelling units per acre).

4. The northwestern portion of the site has 11.3 acres within the hillside protection area, however, it primarily consists of low to moderate slopes with only .52 acres being over 25 percent slope.

5. Approval of this request could lead to future requests for PR zoning in this area, consistent with the sector plan's low density residential proposal for the area.

Upon final approval of the rezoning, the developer will be required to submit a development plan for MPC consideration of use on review approval prior to the property's development. The plan will show the property's proposed development, landscaping and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

ESTIMATED TRAFFIC IMPACT: 1970 (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: 126 (public and private school children, ages 5-18 years)

Schools affected by this proposal: A. L. Lotts Elementary, West Valley 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.

If approved, this item will be forwarded to Knox County Commission for action on 9/26/2016. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision.
### Table 1: Slope and Density Analysis

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>ACRES</th>
<th>RECOMMENDED DENSITY (Dwelling Units / Acre)</th>
<th>NUMBER OF UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Hillside</td>
<td>28.94</td>
<td>5.00</td>
<td>144.7</td>
</tr>
<tr>
<td>0-15% Slope</td>
<td>6.92</td>
<td>5.00</td>
<td>34.6</td>
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<tr>
<td>15-25% Slope</td>
<td>3.87</td>
<td>2.00</td>
<td>7.7</td>
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<tr>
<td>25-40% Slope</td>
<td>0.5</td>
<td>0.50</td>
<td>0.3</td>
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<tr>
<td>Greater than 40% Slope</td>
<td>0.02</td>
<td>0.20</td>
<td>0.0</td>
</tr>
<tr>
<td>Ridgetops</td>
<td>0</td>
<td>5.00</td>
<td>0.0</td>
</tr>
<tr>
<td>Subtotal: Sloped Land</td>
<td>11.31</td>
<td></td>
<td>42.6</td>
</tr>
</tbody>
</table>

**Maximum Density Guideline**

(Hillside & Ridgetop Protection Plan)

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Density Guideline</td>
<td>40.25</td>
<td>4.65</td>
<td>187.3</td>
</tr>
</tbody>
</table>

**Proposed Density (Applicant)**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Density (Applicant)</td>
<td>5</td>
<td>5.00</td>
<td>70.0</td>
</tr>
</tbody>
</table>

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**LOW DENSITY AND RURAL RESIDENTIAL USES**

**Density and Land Disturbance Guidelines**

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

**Table 3: Residential Density and Land Disturbance Guidelines**

For Recommendations on Changes to the Zoning Map and Development Plan/Concept Plan Review within the Hillside and Ridgetop Protection Area that is within the Urban Growth and the Planned Growth Area

<table>
<thead>
<tr>
<th>Percent of Slope</th>
<th>Recommended Maximum Density Factor*</th>
<th>Recommended Maximum Land Disturbance Factor**</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 15</td>
<td>Knox County: 5 dua</td>
<td>100%</td>
</tr>
<tr>
<td>15 - 25</td>
<td>City of Knoxville: 6 dua</td>
<td>50%</td>
</tr>
<tr>
<td>25 - 40</td>
<td>0.5 dua</td>
<td>20%</td>
</tr>
<tr>
<td>40 or more</td>
<td>0.2 dua</td>
<td>10%</td>
</tr>
<tr>
<td>Ridgetops***</td>
<td>***</td>
<td>***</td>
</tr>
</tbody>
</table>

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* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.

** Until such time as regulations are codified by the appropriate legislative body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.

*** Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 – 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.
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 1/2 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.
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,

[Signature]

Arthur G. Seymour, Jr.
FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:lbh
Good morning MPC:

As a concerned neighbor and representative of the residents for Millstone Ln, Freels Ln and Zoya Ln we are opposed to the proposed rezoning of the properties in and around Millstone Ln (7-D-16-RZ). Formal opposition documentation will be coming shortly but we are opposed based on the following reasons:

1. Knox County Zoning Ordinance Section 4.10.16 - Be compatible with the character of the neighborhood including the size and location of buildings in the vicinity.

2. Knox County Zoning Ordinance Section 4.10.17 - The use will not significantly injure the value of adjacent property by noise, lights, fumes, odors, vibration, traffic congestion or other impacts which may detract from the immediate environment.

3. Knox County Zoning Ordinance Section 4.10.18 - The use is not of a nature or so located as to draw substantial additional traffic through residential streets.

4. Negative financial impact said rezoning will have on existing neighborhood residences.

Please note that we will be attending the July 14th rezoning meeting and will be presenting our position of opposition at that time.

Thank you in advance for your consideration of this matter.

Sincerely,

Michael Campbell, MBA, MS
[MPC Comment] Rezoning of the Millstone Ln / Freels Ln Property-File # 7-D-16-RZ.

1 message

Eddie Sanford <eddie@eddiesanford.com>  
Reply-To: eddie@eddiesanford.com  
To: commission@knoxmpc.org

Mon, Aug 1, 2016 at 10:01 PM

Dear MPC Board of Planning Commissioners,

I want to personally thank each person on the MPC for their consideration of our community request regarding the subject of File # 7-D-16-RZ and our recent petition drive.

Our agricultural property consists of 30+ acre on George Williams Road and is within a few hundred yards as the crow flies of the subject property. We have competed directly with the same developer S & E properties, and other developers many times over the past 25 + years and for similar reasons on each side of our land. Our family and neighbors have a different view of responsible development of our area than that of S & EProperties specifically. We do not want more houses just to say we have more houses. We want to see our specific area developed in a manner that is consistent with how our many existing home owners have sought for our area….large lots with fine upscale homes. Therefore we greatly depend on your balanced and voluntary judgement in defining what reasonable rezoning / development looks like. We realize we also have plenty of existing multi unit per acre or high density developments in our area and we simply do not want to see more of these in our area.

I also realize that our general community may not always respond properly. I trust that our Millstone Lane / Freels Lane neighborhood group is communicating in a fashion that is clear and yet not cumbersome or over taxing to a voluntary board of Knoxville / Knox County residents. We sincerely appreciate what your group attempts to accomplish. You take much valuable time out of your personal and professional lives to invest in the over all responsible improvements in our specific community development.

If for some reason our specific group is not communicating fairly, or properly, we sincerely seek to know how to do so better if your Board so desires. Please let anyone in our group know how we can make your job easier.

Again, thank you for your voluntary service!

Sincerely,

George E. Sanford  
Licensed General Contractor  
G.E.S. Custom Remodel LLC  
9628 George Williams Road  
865-805-5321

This message was directed to commission@knoxmpc.org
I want to voice my opposition to FILE # 7-D-16-RZ based on the points outlined in our formal petition. Thanks for looking out for the best interest in our community and keeping it a safe place to live and raise a family!

Sincerely,

Chris Wingo
865-755-5319
9211 Millstone Lane
Knoxville, TN 37922

This message was directed to commission@knoxmpc.org
Katie Giddens <katie.d@reagan.com>  
Reply-To: katie.d@reagan.com  
To: commission@knoxmpc.org

I want to voice my opposition to File # 7-D-16-RZ based on the points outlined in our formal petition. Thanks in advance!

Katie Giddens

9213 Millstone Lane, Knoxville, Tn. 37922

Sent from my iPad

This message was directed to commission@knoxmpc.org
August 1, 2016

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

RE: Oppostion to Rezoning Application filed by S&E Properties, LLC
MPC File # 7-D-16-RZ

Dear Commissioners:

I am an owner of the property located at 9315 Millstone Lane. My property is adjacent to the 40-acre tract of property that is subject to the above-referenced rezoning request.

As you probably know, a number of property owners in the area, including myself, have organized in opposition to this rezoning and development, which we believe will have a dramatic negative impact on our properties and the surrounding community. We have held several meetings to discuss the proposed development and its impact on our community, and we have been overwhelmed by the extent of the community’s opposition to S&E’s plans. We have hired the law firm of Kennerly, Montgomery & Finley, P.C. to advise and represent us in our opposition, and they will be present at the August 11th MPC meeting to present our position to the Commission. However, I am personally reaching out to you to express my opposition to the rezoning and ask that you consider the concerns of the surrounding community when this rezoning request next comes before MPC.

The reasons for my opposition to the rezoning request are the same community-wide concerns that are set forth in a Petition that is being filed with MPC in opposition to S&E’s rezoning request. Being a signatory to the Petition, I will not repeat the concerns raised in the Petition, but I do adopt them by reference. I simply again ask that you thoughtfully consider the concerns raised by the surrounding community when this rezoning request next comes before MPC. Thank you for your consideration of this very important matter.

Respectfully,

[signature]

Thomas Ehriensing

[print name]
Dear Commissioners:

Please allow this email to serve as my opposition to File # 7-D-16-RZ based on the points outlined in the formal petition provided to you by counsel for those of us who own property in and around the Millstone area.

Best Regards,
Kati Sanford Goodner

Property Owner of
9606 George Williams Rd.
Knoxville, TN 37922

865.806.0762

--
Katherine Sanford Goodner

--

This message was directed to commission@knoxmpc.org
Knoxville-Knox County Metropolitan Planning Commission
Knoxville City County Bldg
400 W Main St #403
Knoxville, TN 37902

Re: File Number 7-D-16-RZ

To Whom It May Concern:

Enclosed please find a Petition for filing regarding rezoning of Millstone Lane/Freels Lane Property, File Number 7-D-16-RZ. The petition contains electronic signatures and comments of many concerned citizens. Feel free to contact me should you have any questions.

Very truly yours,

KENNERLY, MONTGOMERY & FINLEY, P.C.

By _______________________
Jack M. Tallent, II

JMT:ces
Enclosure
Millstone Neighbors: Oppose the Rezoning of the Millstone Ln / Freels Ln Property-File # 7-D-16-RZ

THE UNDERSIGNED citizens and residents of Knox County, Tennessee come together for the purpose of petitioning the Knoxville-Knox County Metropolitan Planning Commission in opposition to the rezoning application by S&E Properties, LLC, being File # 7-D-16-RZ. As grounds for their opposition, the undersigned state the following:

There is not sufficient existing right of way to accommodate the infrastructure improvements that will be necessary to support the proposed development. The proposed development is in an isolated location on Millstone Lane, which is a small dead-end street in West Knox County that currently serves less than twenty houses. There is no other access point for the proposed development than from Millstone Lane, meaning that the development, if approved, will result in an approximate 10-fold increase in vehicle traffic on Millstone Lane. MPC’s staff and Knox County Engineering have both stated that any rezoning and development of the subject property will require the widening of portions of Millstone Lane to accommodate the increased traffic and the installation of sidewalks due to the West Valley parental responsibility zone. However, our attorneys advise us that a review of the Knox County land records indicates that there is not sufficient existing right of way to allow Millstone Lane to be widened and improved in this way — a conclusion that has been confirmed by Knox County Engineering. While S&E could certainly try to secure additional right of way to accommodate the development, one of the properties from which right of way would have to be secured is owned by Tim & Shirley Gibson, who are opposed to the rezoning and development and are adamant that they will not sell any right of way in aid of this proposed development.

S&E’s proposed density and MPC staff’s recommended density are both incompatible with adjacent zones, and thus contrary to the Knox County Zoning Ordinance. PR zoning is not appropriate for every residential development, but is instead intended to encourage developers to use imaginative solutions to environmental design problems and to create developments that are compatible with adjacent zones. In this case, the adjacent zones are all Agricultural with an average density of only .14 du/ac. MPC staff has recommended a density of 3 du/ac despite expressly acknowledging that such a density is not compatible with adjacent zones. The 5 du/ac requested by S&E is even
worse. Rezoning the subject property to PR with a density that is acknowledged to be incompatible with the adjacent zones is not only contrary to the requirements of the Knox County Zoning Ordinance, but will also negatively impact the property values of the adjacent and surrounding properties. This is not to mention the effect that such a rezoning will have on the livability and value of the surrounding properties, which were purchased with the specific intent of living in a large-tract zone.

S&E's concept plan evidences that S&E envisions a development that is inconsistent with the surrounding area, the PR zoning guidelines, and MPC's staff recommendations. S&E has filed a concept plan that gives no consideration whatsoever to the purposes or requirements of PR zoning, nor to the impact the proposed development would have on the surrounding community. For instance, the concept plan depicts a 136-lot development on 40 acres, yielding a density of 3.4 du/ac. However, included within the proposed development are two existing houses on large plots of land that are not numbered and appear to only be included within the boundaries of the proposed development in order to attempt to dilute density. If these two plots are removed, then the development's true density is approximately 3.8 du/ac. MPC staff has recommended that any development of the subject property include large periphery lots to buffer the adjacent properties. However, approximately 50 periphery or adjacent lots depicted on the concept plan are .25 acres or smaller, with some being as small as .16 acres. This is incompatible with not only the Knox County Zoning Ordinance but also the MPC staff recommendations. Finally, MPC's PR guidelines require that at least 15% of the development be set aside as usable open space and recreational area. However, there is no open space or recreational area reserved on the concept plan other than 3 detention ponds. Again, this is incompatible with MPC requirements.

There are significant topographic and hydrologic concerns respecting the subject property. The subject property has historically been subject to heavy flooding. There is also known karst topography in the area, including a well-developed cave system that runs immediately beneath the subject property. These factors raise legitimate concerns about the safety and practicality of constructing a dense subdivision on the subject property, including high risks to surrounding property owners of increased flooding and sinkhole development.
There are risks of damage to nearby water and septic systems. Most of the immediately adjacent properties rely on well water and septic systems, both of which may be at risk of damage and contamination if this development moves forward as proposed.

Approving the proposed rezoning will exacerbate existing traffic conditions at the intersection of Millstone Lane and George Williams Road. This intersection serves as one of two main access points for West Valley Middle School. Because Millstone Lane is a dead-end street, every vehicle going to or from the proposed development must necessarily travel through this intersection. The intersection is already a point of major traffic congestion in the area – particularly when West Valley Middle School is in session – to the point that there are times when vehicles cannot move due to school traffic. While a traffic study has not yet been conducted, MPC staff has estimated that the proposed development will yield an additional 1,900 vehicle trips per day through this intersection, which will exacerbate a very significant problem.

Approving the proposed rezoning will exacerbate existing school overcrowding. West Valley Middle School is already overcrowded, and this proposed development, if approved at the requested or recommended densities, will result in additional students enrolling, again exacerbating an existing problem.

IN CONSIDERATION OF THE FOREGOING CONCERNS, the undersigned citizens request that MPC deny S&E’s rezoning application. If a rezoning to PR is to be approved, however, the undersigned citizens request that the approved density be no more than 1.5 du/ac, which we believe would be a reasonable compromise between S&E’s desire to develop the property for profit and the community concerns expressed above – particularly the zone compatibility issues presented by the surrounding properties. Finally, if a rezoning to PR is to be approved, we also request that MPC require all periphery lots within the proposed development to be 1 acre in size or more, which will allow for sufficient buffer between the surrounding lots and the development to minimize the impact that the development will have on the community’s existing large lots and tracts, which are zoned Agricultural.
Kosciusko-Knox County Metropolitan Planning Commission  
Kosciusko City County Bldg  
400 W Main St #403  
Kosciusko, TN 37902

Re: File Number 7-D-16-RZ  
Opposition to the Rezoning Application by S&E Properties, LLC

I, along with Briton S. Collins of the law firm of Kennerly, Montgomery & Finley, P.C., represent homeowners around the proposed tract which S&E Properties, LLC proposes to have rezoned from Agricultural to PR. My clients believe this application should be denied for many reasons. The most important are as follows:

(1) **There is not sufficient existing right of way to accommodate the infrastructure improvements that will be necessary to support the proposed development.** The proposed development is in an isolated location on Millstone Lane, which is a small dead-end street in West Knox County that currently serves less than twenty houses. There is no other access point for the proposed development than from Millstone Lane, meaning that the development, if approved, will result in an approximate 10-fold increase in vehicle traffic on Millstone Lane. MPC's staff and Knox County Engineering have both stated that any rezoning and development of the subject property will require the widening of portions of Millstone Lane to accommodate the increased traffic and the installation of sidewalks due to the West Valley parental responsibility zone. However, our attorneys advise us that a review of the Knox County land records indicates that there is not sufficient existing right of way to allow Millstone Lane to be widened and improved in this way – a conclusion that has been confirmed by Knox County Engineering. While S&E could certainly try to secure additional right of way to accommodate the development, one of the properties from which right of way would have to be secured is owned by Tim & Shirley Gibson, who are opposed to the rezoning and development and are adamant that they will not sell any right of way in aid of this proposed development. Enclosed is a survey from May 8, 1972 prepared by Hatmaker Surveyors showing the 60 foot frontage owned by the Gibsons.

(2) **S&E’s proposed density and MPC staff’s recommended density are both incompatible with adjacent zones, and thus contrary to the Knox County Zoning Ordinance.** PR zoning is not appropriate for every residential development, but is
instead intended to encourage developers to use imaginative solutions to environmental design problems and to create developments that are compatible with adjacent zones. In this case, the adjacent zones are all Agricultural with an average density of only .14 du/ac. MPC staff has recommended a density of 3 du/ac despite expressly acknowledging that such a density is not compatible with adjacent zones. The 5 du/ac requested by S&E for the 136 lot proposed development is even worse. Rezoning the subject property to PR with a density that is acknowledged to be incompatible with the adjacent zones is not only contrary to the requirements of the Knox County Zoning Ordinance, but will also negatively impact the property values of the adjacent and surrounding properties. This is not to mention the effect that such a rezoning will have on the livability and value of the surrounding properties, which were purchased with the specific intent of living in a large-tract zone.

S&E’s concept plan evidences that S&E envisions a development that is inconsistent with the surrounding area, the PR zoning guidelines, and MPC’s staff recommendations. S&E has filed a concept plan that gives no consideration whatsoever to the purposes or requirements of PR zoning, nor to the impact the proposed development would have on the surrounding community where there is approximately 1 house per 7 acres. The concept plan depicts a 136-lot development on 40 acres, yielding a density of 3.4 du/ac. See attached photo depicting the current large tracts or lots and the stark contrast of the proposed development. It is significant that included within the proposed development are two existing houses on large plots of land that are not numbered and appear to only be included within the boundaries of the proposed development in order to attempt to dilute density. If these two plots are removed, then the development’s true density is approximately 3.8 du/ac. MPC staff has recommended that any development of the subject property include large periphery lots to buffer the adjacent properties. However, approximately 50 periphery or adjacent lots depicted on the concept plan are .25 acres or smaller, with some being as small as .16 acres. This is incompatible with not only the Knox County Zoning Ordinance but also the MPC staff recommendations. Finally, MPC’s PR guidelines require that at least 15% of the development be set aside as usable open space and recreational area. However, there is no open space or recreational area reserved on the concept plan other than 3 detention ponds. Again, this is incompatible with MPC requirements.

There are significant topographic and hydrologic concerns respecting the subject property. The area in and around the subject property has historically been subject to heavy flooding. The Petition filed with MPC states the subject property has been subject to heavy flooding. For clarification, it should be understood the area around the proposed development rather than the land within the proposed development is subject to flooding. There is also known karst topography in the area, including a well-developed cave system that runs immediately beneath the subject property. These factors raise legitimate concerns about the safety and practicality of constructing a dense subdivision on the subject property, including high risks to surrounding property owners of increased flooding and sinkhole development.
(5) There are risks of damage to nearby water and septic systems. Most of the immediately adjacent properties rely on well water and septic systems, both of which may be at risk of damage and contamination if this development moves forward as proposed.

(6) Approving the proposed rezoning will exacerbate existing traffic conditions at the intersection of Millstone Lane and George Williams Road. This intersection serves as one of two main access points for West Valley Middle School. Because Millstone Lane is a dead-end street, every vehicle going to or from the proposed development must necessarily travel through this intersection. The intersection is already a point of major traffic congestion in the area – particularly when West Valley Middle School is in session – to the point that there are times when vehicles cannot move due to school traffic. While a traffic study has not yet been conducted, MPC staff has estimated that the proposed development will yield an additional 1,900 vehicle trips per day through this intersection, which will exacerbate a very significant problem.

(7) Approving the proposed rezoning will exacerbate existing school overcrowding. West Valley Middle School is already overcrowded, and this proposed development, if approved at the requested or recommended densities, will result in additional students enrolling, again exacerbating an existing problem.

In consideration of the foregoing concerns, I would respectfully request that MPC deny S&E’s rezoning application. We submit this rezoning is not reasonable and would be incompatible with the neighborhood, will create problems and is contrary to goals of PR zoning.

If there is any consideration given to a rezoning of this property to PR, however, my clients request that the approved density be no more than 1.5 du/ac, which would be a reasonable compromise between S&E’s desire to develop the property for profit and the community concerns expressed above, particularly the zone compatibility issues presented by the surrounding properties. Also, if rezoning to PR is to be approved, my clients would request that MPC require all periphery lots within the proposed development to be 1 acre in size or more and be landscaped along these lots to provide a buffer between the surrounding lots and the development to minimize the impact that the development will have on the community’s existing large lots and tracts, which are zoned Agricultural.

Very truly yours,

KENNERLY, MONTGOMERY & FINLEY, P.C.

By

Jack M. Tallent, II

JMT:ces
Enclosure
Currently approx. 1 house per 7 acres

Proposed approx. 3.4 houses per acre

Approximate scale representation