

Swalley Property -v- Browning/Duke Property



Terry Jones

To Kevin Whaley; Eric Berg; Shannon Swan; Scott Singleton

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Below is a written complaint registered by Mike Pate, 1531 Smith Road, filed 9/14-2020. It refers to the Swalley property and the neighboring property owned/managed by Browning/Duke. The complaint covers a lot of territory, before processing further any thoughts, comments, etc. would be helpful.

Thanks, Terry

"In regards to DP-17-014. It would appear that approval has already been made, as work has started. The questions I have really are not the assumed approval, but concern the construction and enforcement of the various codes and concerns about prior jobs by Browning Duke LLC. The area in question is currently weeds and trash. Can Browning Duke clear the entire area of weeds and trash? The failure to control the invasive Canadian Thistle and other noxious weeds has caused health and environmental problems for near by residents? The prior construction had limited dirt control, our properties were coated with dust on several occasions: Will proper dust control be enforced? With the ongoing construction and the operation of the warehouse complexes, surface trash is a real issue, dumping is common and the egress and ingress of the temporary workers has caused a build up of masks, beer and whiskey bottles, soft drink cans etc... along the public roads and Browning Duke's spite strip. What can be done to make the area clean of such trash? The subcontractor for the owners (mowing crews) just cut up what they can and leave the rest to blow onto our property. Will Browning-Duke LLC be required to post a bond? During the construction of Building 10, my families fence was damaged (again) and Duke who manages the property has refused to respond and repair the damage. Since the area is under an agricultural rating, this is their responsibility, but repeated attempts to have them correct the problem have gone unanswered. Also, we expressed our concern about the construction of the Allpoints Parkway in regards to water run off, our concern was ignored and now we have a drainage problem that is located in the Browning-Duke spite strip on the north end of the property. Can this be addressed? The construction on the south side of the property has caused damaged to the stream bed and caused part of the Swalley property to be considered a wet land, this is caused by run off from building 10 construction. During the construction of the building leased by Ryder, we expressed our concern about trucks and vehicles leaving their property causing light pollution onto our property. (the lights shine into the windows and front door). Perhaps the light issue can be addressed and our neighbor will cooperate this time? Finally, after construction of Smith Road, the speed limit sign for south bound Smith Road was removed and never replaced. Can a speed limit sign be installed, failure to reduce the speed limit from the state mandated speed limit (50 MPH) creates a public hazard with the anticipated construction. Regards, Mike."