

4-F-10-RZ - cor - Hayward

**Dennis and Kathy Hayward**  
**553 Stratfield Way**  
**Knoxville, TN 37919**  
**(865) 951-0831**  
**haywardherd@msn.com**



March 29, 2010

Members of the Knox County  
Metropolitan Planning Commission

VIA FAX (215-2068)

Ladies and Gentlemen:

We write to oppose the proposal of Wellsley Land Partners, GP to change the zoning of parcels on the northwest side of Deane Hill Dr. and the southwest side of Wellsley Park Rd. (item 37 on your April 8, 2010 agenda; MPC File # 4-F-10-RZ).

As we indicated in our February 8, 2010 letter to the MPC on a related topic (the use-on-review for these parcels), we are not opposed to having a senior living complex constructed on this site. We believe, however, that the development plan submitted by Banyan Senior Living and approved in February by MPC would permit a dwelling density and resulting structures that are inappropriate for this site and this neighborhood.

Your February approval of the Banyan Senior Living site plan for construction of "299 independent living units and 72 assisted living bedrooms" was contingent on a rezoning of the property or a revision of the Banyan plan because the development plan submitted would have exceeded the currently allowable dwelling unit per acre density for at least one of the two parcels involved. Rather than revise the plan for lower density, the developers have apparently chosen to ask you to increase the allowable density per acre. We ask you to say no.

According to the minutes of the February 8<sup>th</sup> meeting, our objection that the proposed four, five and eight (or possibly nine)-story structures "would be totally out of character with the nature of the structures surrounding the proposed Banyan Senior Living" was dismissed by petitioners' attorney as merely a concern that such buildings would block neighbors' views. The issue we raise, however, goes well beyond someone's view. Our concern is that Banyan Senior Living's plan requires a dwelling unit per acre density that is too high for this site, which results in buildings that are too tall for this site in comparison with the surrounding neighborhood.

Petitioners' attorney's statement at the February meeting that this site "is zoned medium density residential which allows up to 24 units per acres" is not entirely accurate. The

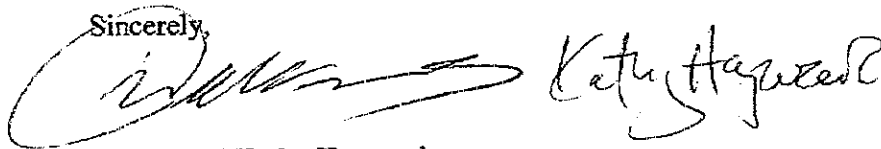
fact is that only 10 of the 20 acres of this site are currently zoned to allow 24 units per acre. The other ten acres are zoned for a maximum of 14 units per acre—which is what the petitioners are asking you to change. They are asking you to allow up to 24 units per acre on the entire 20-acres involved.

We don't need to reiterate to you that zoning exists for important reasons—one of which is to maintain the character and integrity of neighborhoods. The current "neighborhood" that thrives on the former Deane Hill Country Club property is a wonderful mix of residential and commercial areas consistent with the way that property has been zoned for more than a decade. One of the characteristics of that neighborhood (which includes the apartments of The Grove at Deane Hill; the homes of Wellsley Park Estates and Villas; the commercial area of The Centre at Deane Hill; and the assisted living complex of Homewood) is that none of the buildings is more than three stories high. And another characteristic is that the residential areas of the neighborhood are relatively low density. The most densely populated residential complex in the neighborhood, The Grove at Deane Hill apartments, has a maximum of only 14 dwelling units per acre.

What petitioners request is that you upset the character and integrity of this neighborhood by rezoning their parcels to allow 24 dwelling units per acre on the entire 20 acres, which in turn, allows them to proceed with building eight structures—all of which are taller than any of the existing buildings in the neighborhood—and one of which is as much as three times taller than existing buildings. And, as emphasized in our earlier letter, most of these structures will be on a hill (the highest point in the area), which will only accentuate their height and make them look even less in keeping with the existing neighborhood. Perhaps to fully appreciate this point you need to actually see the site, or pictures of it, rather than merely relying on a topographic map.

In conclusion we'd like to say that we hope Banyan Senior Living is able to proceed with a development of this site. A complex for residents over 50, which includes walking trails and green space as Banyan has envisioned would be a fine addition to the neighborhood **IF** its population density is in keeping with current zoning requirements and **IF** its structures maintain the character and integrity of the existing neighborhood. The petitioners' rezoning request would do neither, which is why we urge you to reject it.

Sincerely,

Handwritten signatures of Dennis and Kathy Hayward. The signature for Dennis is on the left, and the signature for Kathy is on the right.

Dennis and Kathy Hayward

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**Dennis and Kathy Hayward  
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haywardherd@msn.com**



April 5, 2010

Members of the Knox County  
Metropolitan Planning Commission

VIA FAX (215-2068)

Ladies and Gentlemen:

Since our previous letter of March 29, 2010 regarding the rezoning request of Wellsley Land Partners, GP (item 37 on your April 8, 2010 agenda; MPC File # 4-F-10-RZ), we have received additional information from one of the members of that partnership. Mr. Harvey Abernethy has written to his Wellsley Park neighbors (copy attached) to indicate that Banyan Senior Living, whose use request for this property you approved at your February 8, 2010 meeting, has been unable to obtain financing to proceed with its proposed project at this time.

Nonetheless, Wellsley Land Partners, GP plans to proceed with its rezoning petition to increase the allowable density on the southern portion of the property from a maximum of 14 du/acre to a maximum of 24 du/acre. Unfortunately, we must continue to oppose this request. Even though the aspects of the Banyan Senior Living plan that were of concern to us have been at least temporarily taken off the table, the underlying problem remains—namely our opinion that an increase of 10 du/acre on the southern 10 acres of this property is not warranted and is not appropriate

The property immediately to the east of the site in question (Wellsley Park Villas and Estates) is zoned for a maximum of 5.9 du/acre. The property immediately to the west of the site (The Grove at Deane Hill Apartments) is zoned for a maximum of 14 du/acre. The southern 10 acres of this site is zoned for 14 du/acre and the northern 10 acres for a maximum of 24 du/acre. In our view, this existing zoning provides for a balance of planned residential areas of mixed density that is both appropriate and sufficient for this neighborhood as it has developed since the demise of the Deane Hill Country Club.

While in prior years MPC may have approved different uses for the property than the one most recently proposed by Banyan Senior Living, we must conclude that it has **not** previously approved a zoning change to allow greater density than the present allocation—for if it had, there would be no need for the current request. Surrounding property owners have made decisions and investments based upon the existing zoning limits. In this instance, we believe the “status quo” is just fine and should be maintained—especially in view of that fact that there is currently no proposal for the development of that site that would require rezoning.

Sincerely,

Dennis and Kathy Hayward

cc Commissioner Grieve

# Wood Development Group, L.L.C.

Real Estate Development & Investments

March 31, 2010

Dear Neighbors,

My name is Harvey Abernethy and I am a partner in Wellsley Land Investors, G.P. Wellsley Land Investors has owned the remaining 20 acres that is being considered for rezoning in Wellsley Park fronting on Wellsley Park Road and Deane Hill Drive since 2005. I also have lived in the Villas of Wellsley Park for almost three years.

We have had various interested parties wanting to develop the property with different types of developments. Since 2007, each of the proposed and approved developments was unable to achieve their financing and gave up their option to develop the property, including the latest proposed development by Banyan Senior Living.

The following is a brief history of the uses that have been approved for the site:

On April 9, 2004 we obtained MPC approval for a condominium and office complex. The residential section contained 324 units in 2 buildings. Each building had two 17 story high-rise towers. In addition there was 9,000 SF of retail and 18,000 SF of office space approved. Prior to the MPC meeting, we had a meeting with the Deane Hill Community which was well attended. This concept was approved by MPC with a unanimous vote.

On March 13, 2008 an apartment developer obtained approval for 322 apartments consisting of 12 buildings of 3-4 stories. The approval was on the consent agenda and passed.

On November 13, 2008 another apartment developer obtain approval for 335 apartments consisting 13 buildings of 3-4 stories. The approval was on the consent agenda and passed.

On February 11, 2010 Banyan Senior Living proposed what is called a Continuing Care Retirement Center (CCRC) for the property consisting of 299 condominium units and 72 units of assisted living in 8 buildings from 3-9 stories. This was approved by MPC, subject to rezoning the property to fit the overall layout of the facility. In March 2010 Banyan Senior Living gave up their right to purchase the property due to the continued financial crisis in the lending markets.

On April 8, 2010, MPC will consider a re-zoning request that Wellsley Land Investors, G.P. has filed to eliminate the zoning density line that runs through the property. Half of the property is currently zoned RP-1-24 units and half is zoned RP-1-14 units. We are requesting that all 20 acres be zoned RP-1- 24. When the old Deane Hill Golf Course was master planned and that plan approved by MPC and City Council the residential area was approved for up to 859

dwelling units. With our request, the total built out density of Wellsley Park will be 46 units less than the original approvals. This request also complies with the MPC "One Year Plan" density for this property. This change will also allow other potential developments to achieve a more functional site plan for the property.

As one of the owners of this property and as a resident of Wellsley Park it has always been my preference to have a high quality condominium resort type retirement center on the property. Although we have optioned to sell the property for apartments in the past, the best use for the property and Wellsley Park is a high end retirement center. We are hopeful that when the financial credit markets begin to open back up that we can either re-contract with Banyan Senior Living or a similar high quality developer of senior house.

If you would like to speak with me at any time, it is easiest to reach me via my cell phone: 385-1795.

Sincerely,



Harvey Abernethy  
Managing Partner  
Wellsley Land Investors, G.P.

Neal and Elizabeth Peebles  
7200 Wellesly Manor Way  
Knoxville, TN 37919



Knoxville and Knox County  
Metropolitan Planning Commission  
Suite 403 City County Building  
Knoxville, TN 37902

**Re: Agenda item 37 MPC File No. 4-F-10-RZ April 8, 2010**

Dear Commissioners,

**We write to oppose approval of this item.**

While we understand that at some point this land will be developed, we would recommend low rise, noncommercial development at no greater than 19 du/ac which would be the average density of the entire parcel if present zoning remains.

We make this recommendation because this parcel is surrounded by residential property largely of low density and among other concerns think that the surrounding roadways will not support the traffic increase implied by previously approved uses much less an entity with even greater density. The last previous approved use, according to staff reports would generate 2552 additional trips a day. This added to Deane Hill Dr. (a street carrying more traffic than for which it is designed); Wellsley Park Rd. ( a neighborhood street which is already being used as a cut-through to avoid the Deane Hill/Morrell Rd. intersection ); and East Gleason ( which is a boulevard but only one lane in each direction) will not be satisfactory to those of us who live and are invested in the adjacent property.

Additionally, a development such as previously approved would result in

years of heavy construction in our front door and we take exception to the staff statement that the surrounding property holders would not be injured on this fact alone.

*F. Noel Peery*

*Elizabeth A. Leeb*

*April 7, 2010*

**From:** Mike Brusseau  
**To:** Betty Jo Mahan  
**Date:** 3/31/2010 2:32:21 PM  
**Subject:** Fwd: Banyan Senior Living Plan

Re: Item 37

>>> "Bob Sinclair" <bob@sinclairconst.com> 3/31/2010 1:14 PM >>>  
Mike and Tom,

I am a resident of Wellsley Park Estates. It is my understanding that Banyan Senior Living has submitted a rezoning request for the property adjacent to Wellsley Park as well as a plan showing buildings up to eight or nine stories in height. I believe the rezoning request is being made to achieve more density than is currently allowed and is more than The Grove at Deane Hill which is also adjacent to this property.

When I first heard that a Senior Living Project was being considered for this property, I thought that was a good thing. However, I feel Banyan should not be allowed more density than the surrounding property development nor should buildings over three stories be allowed. Three stories would be consistent with the neighborhood which is what I see in many other areas of the country where Senior Living Projects are built in residential neighborhoods.

If I am misinformed, I would appreciate your advising me of such. If not, I would like to go on record as opposing the increased density and building heights.

Thank you,  
Bob Sinclair