

December 11, 2013

Metropolitan Planning Commission
Suite 403 City County Building
400 Main St.
Knoxville, TN 37902

RE: Dec. 12, 2013 MPC Meeting. Agenda Item 33, METROKNOXVILLE HMA LLC

Metropolitan Planning Commissioners:

This is to urge MPC to vote NO on the use on review application by METROKNOXVILLE HMA LLC (aka Tennova) to build a new hospital on Middlebrook Pike.

If, on the other hand, MPC decides to approve the application, this is to urge MPC to include certain conditions with that approval. Inclusion of these conditions is not meant to suggest that they will completely mitigate the negative impacts of the hospital to the point where approval is reasonable and justified, but only that they will provide some relief to the residents who live in the vicinity of the proposed hospital.

Reasons to vote NO on the use on review application:

1. Tennova's plan fails to meet the requirements of Knoxville's Zoning Ordinance, Appendix B, Article VII, Sec. 5, B, which states the following regarding uses on review by MPC.

"This review and approval process is intended: (1) to provide for uses which are beneficial to the community but that may involve a potential hazard to the development of an area unless appropriate provisions are made for their impacts; and (2) to integrate properly the uses permitted on review with other uses located in the district."

The proposed hospital will not be beneficial to the community. The proposed hospital site is situated between four existing hospitals – Parkwest Medical Center, Turkey Creek Medical Center, Ft. Sanders Regional Medical Center, and UT Medical Center - all of which are quickly and easily accessible from West Knoxville neighborhoods via Interstate 40 and other roads within 10 to 20 minutes. Another hospital will provide only redundant services while causing harm to surrounding neighborhoods, specifically West Hills, Ridgerock Lane, houses and condominiums in the Pembroke development and other apartments and condominiums on the north side of Middlebrook Pike off Lake Brook Blvd. and Lakewood Blvd.

Negative impacts of a new hospital include:

- Diminished property values of nearby houses and condominiums.

- Increased traffic on surrounding neighborhood roads and streets, particularly “cut through” traffic in West Hills.
- Increased traffic congestion on Middlebrook Pike and connecting streets and roads. Of particular significance is the intersection of Middlebrook Pike and Vanosdale Rd. Some 1800 children attend nearby West Hills Elementary and Bearden Middle School. They will be at greater risk due to increased traffic at that intersection and nearby streets.
- The intrusion of a 7-story, 100 foot tall building operating 24 hours daily, 365 days a year, on quiet residential neighborhoods that border the development to the west and south and that face the development across Middlebrook Pike to the north.
- The noise and lights from sirens, helicopters, deliveries, increased traffic, and construction.
- Increased volume of storm water flow and the increased inability of the land to recharge it because of the increase of impervious surface – thus creating a potential flood hazard. Note that the Fourth Creek tributary that bisects the property originates in, and flows through, West Hills.

Appropriate provisions for these negative impacts have not been made.

The hospital site plan shows the development separated from adjacent houses to the west by a vegetative buffer approximately 46 feet wide. That is inadequate to block lights and noise from buildings and traffic on site, as well as those entering and leaving the site. The height of the hospital building is well above the buffer and thus it will be visible at all times to homes that are near it in West Hills. Homes on Ridgerock Lane will have a view of the site and hear noise generated by it through the trees on the hillside, particularly during the 5-6 months when there are no leaves on trees. Homes in the Pembroke development off Dick Lonas Rd. and apartments and condominiums off Lake Brook Blvd. will have a completely unobstructed view of the hospital at all times since they are uphill from the site. This will lower property values of homes and diminish the quality of life for hundreds of nearby residents.

A comprehensive traffic study has not been done to determine the impact of the hospital on surrounding neighborhoods. The March 2013 study makes no mention of traffic through West Hills or traffic impacts at the intersections of Middlebrook/Whitehall Rd., Middlebrook/West Hills Rd. The condition MPC has suggested is to perform a baseline study with no immediate recommendations, followed a year later by another study, then to require a maximum of \$150,000 expenditure by Tennova for traffic calming devices if traffic through West Hills increases by 20%. There is no explanation, rationale, or study cited for setting the increase limit at 20% or for determining that a traffic calming plan is an appropriate mitigating action, or that \$150,000 is an adequate amount to cover

unknown actions that may be deemed necessary. Further, this plan subjects residents to probable traffic increases for a year without corrective action. It may well create the need for taxpayer money to fund corrective actions caused by the Tennova development. A comprehensive study should be completed, with corrective actions noted and completed before issuance of a certificate of occupancy.

The storm water detention basin on the west side of the site will drain 22.5 acres of the property and is designed for the 100 year storm, per the site plan. It abuts the vegetative buffer next to homes in West Hills. In the event of a storm in excess of the 100 year storm, and the failure of the basin, those homes may be subject to flooding. Also, disturbance to stream banks and elevations along the Fourth Creek tributary that bisects the property may affect its flow capacity and could cause additional flooding problems upstream in West Hills, which currently experiences frequent flooding. The basin should be redesigned to accommodate a more severe storm, or moved farther from residences, or both.

2. Tennova’s plan fails to meet Zoning Ordinance, Appendix B, Article V, Sec. 3. A. that states that uses on review “shall be guided by...” the following:

- “The use is compatible with the character of the neighborhood where it is proposed, and with the size and location of buildings in the vicinity.”
- “The use will not significantly injure the value of adjacent property or by noise, lights, fumes, odors, vibration, traffic, congestion or other impacts detract from the immediate environment.”
- “The use is not of a nature or so located as to draw substantial additional traffic through residential streets.”

The proposed hospital violates all three of the above criteria.

As stated in #1 above the site is surrounded by residential neighborhoods – West Hills, Ridgerock Lane, Pembroke, and various apartments and condominiums north of Middlebrook Pike off Lake Brook Blvd. and Lakewood Blvd. The March 2013 traffic study confirms this. It says, “Surrounding the project site on the south side of Middlebrook Pike is mainly residential development...” The buildings closest to the proposed hospital are single-family houses along Wesley Rd. and side streets. The site plans calls for a seven-story hospital with a 46 foot vegetative buffer feet between the hospital parking lot and detention basin and homeowner property lines. This violates the compatible use requirement cited above.

A new hospital will lower property values of nearby houses and detract from the immediate environment of the area by producing noise, lights, traffic and congestion as stated in #1 above.

The hospital will generate 8,488 auto trips daily according to the March, 2013 traffic study. No study has been done to determine how many of those trips will go through adjacent neighborhoods, particularly West Hills. Given the configuration of roads and streets it is highly likely that a significant portion of the daily trips will be on adjacent residential streets. The only access between the hospital site on Middlebrook Pike and Kingston Pike/I-40 is via West Hills unless one travels to either Weisgarber Rd. or North Gallagher View Rd. North Gallagher View Rd. is 3.5 miles west of the proposed main entrance to the hospital at Middlebrook Pike and Dowell Springs Blvd. Three “cut through” streets via West Hills are all within 2.1 miles of the proposed hospital main entrance. They are Whitehall Rd., West Hills Rd. and Vanosdale Rd. Emergency vehicles, employees, visitors and commercial deliveries will all use these West Hills streets to access the hospital, particularly Vanosdale Rd. which is currently a heavily used access road between Middlebrook Pike and Kingston Pike/I-40. West Hills Elementary School is located on Vanosdale Rd. and Bearden Middle School is located on Francis Rd. just to the north of the Middlebrook/Vanosdale intersection. Both produce heavy traffic volumes twice daily during the school year that likely will force traffic to use Whitehall Rd. or West Hills Rd. during those times.

The requirement for MPC to be guided by the “substantial traffic” criteria above cannot be satisfied unless a traffic study is done to determine whether or not substantial traffic will be drawn through residential streets. The mitigation plan MPC suggests in #1 above does not satisfy this requirement since it would occur after the hospital is built.

The March, 2013 traffic study says that even with recommended improvements at Middlebrook/Vanosdale and Middlebrook/Weisgarber, the traffic problem cannot be solved. “These improvements, which represent the reasonable improvements that can be made...are not able to bring every approach and intersection to LOS D or better.” The report goes on to say that “To improve operations at these intersections, other solutions must be employed that would involve major reconstruction at these locations.”

The same traffic study recommends that Tennova pay nothing or a small portion of the costs for upgrading and reconfiguring the Middlebrook/Weisgarber and Middlebrook/Vanosdale intersections. It also says no improvements were planned prior to the construction of the hospital, thus making the point that necessary improvements are the result of the hospital. Tennova should pay the full amounts of any corrective work done since the impetus for the work is the construction of the hospital. Taxpayers should not subsidize Tennova’s obligation to ensure infrastructure is adequate to handle the impact of its development.

For these reasons the MPC should vote NO on the Tennova use on review application.

Should, however, MPC decide to approve the Tennova application, the following conditions to the approval should be included in order to mitigate as much of the negative impact of the development as possible.

1. Increase the side yard setback to 200 feet. Also, add a condition that requires a substantial vegetative buffer (preferably the retention of the entire current wooded area) to cover the entire setback between the hospital property and houses on adjacent streets in West Hills. This will help protect the neighborhood from noise and lights from the hospital.

Failing that, Tennova should move the entire hospital eastward to the large open space shown on the site plan, thus placing it further away from West Hills residences.

2. Restrict the maximum building height to four stories.
3. Require an immediate and thorough traffic study that includes traffic impacts in surrounding neighborhoods, particularly West Hills and the intersections of Middlebrook/Whitehall and Middlebrook/West Hills Rd. in order to determine whether or not the project violates the ordinance requirement that "...substantial additional traffic through residential streets" should not occur. Failure to make that determination does not satisfy the requirement. If mitigating actions are deemed necessary they should be required to be completed prior to issuance of a certificate of occupancy.
4. Tennova should be required to formalize an agreement that the property south of the Fourth Creek tributary that bisects the property and was not rezoned will be permanently protected from development and will be maintained as a "natural habitat" area in perpetuity. Such an agreement should be accomplished by conservation easement or deed restriction or another method(s) to permanently guarantee the land will remain as it is today. This should be done prior to issuance of a certificate of occupancy.
5. Further, the public should be granted access to the "natural habitat" area south of the Fourth Creek tributary as a walking and hiking area. No vehicles, hunting, firearm or other weapon discharge, or archery should be permitted within the area. No timber harvesting, mining or any other disturbance of the land, vegetation or wildlife should be permitted.
6. Tennova should construct and maintain (or provide funding to the city to do so) a bike/walking greenway trail along the Fourth Creek tributary that bisects the property. This trail should connect the West Hills Greenway with the Weisgarber Greenway. The greenway could be constructed on either side of the creek but should only minimally intrude into the "natural habitat" area described above.
7. Tennova should follow best management practices regarding protection of the Fourth Creek tributary. For example, piping or culverts should not be permitted. Adequate riparian buffers should be maintained. No discharge of wastewater of any kind into the creek should be permitted. Runoff from the hospital buildings,

parking areas, etc should not flow into the Fourth Creek tributary or into Fourth Creek.

8. An ecological study of the area should be funded by Tennova to assess the impact of the development on flora and fauna. Mitigating measures should be required of Tennova to protect wildlife by relocating them or by other means. The flora should be carefully evaluated prior to any removal of vegetation. Every effort should be made to protect any rare, threatened or endangered species or large, old trees, for example.
9. A geological study of the area should be funded by Tennova to assess the underlying geologic structure of the area, which is known to include sinkholes across Middlebrook Pike in the Dowell Springs development.
10. A study of noise levels from the power plant and other sources should be funded by Tennova to determine if noise levels conform to requirements in Knoxville Code of Ordinances, Article V, Sec. 1 Performance Standards.
11. There should be designated "no fly over" zones for helicopters in order to help protect the homes nearby from noise.
12. Tennova should contribute money to the city or other appropriate government entities to adequately fund any and all infrastructure improvements including but not limited to road improvements, sidewalks, construction of covered bus stops on both sides of Middlebrook Pike at the hospital entrance, sanitary sewer, storm water management, environmental and stream mitigation, etc. that will be required as a result of the construction of the hospital. Those improvements should be the responsibility of the applicant, not taxpayers.

Thank you for your consideration.

Sincerely,

Rocky Swingle
7213 Sheffield Dr.
Knoxville, TN 37909
rockys512@gmail.com
865-438-0397

Claudia Featherstone
836 Abington Ln.
Knoxville, TN 37909

CC: Knoxville City Council
Knoxville City Mayor