



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

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## Fwd: Proposed Apartment Complex

1 message

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**Mark Donaldson** <mark.donaldson@knoxmpc.org>

Fri, Mar 8, 2013 at 4:58 PM

To: Buz Johnson <Buz.Johnson@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

----- Forwarded message -----

From: **Russell Williams** <williams9570@bellsouth.net>

Date: Fri, Mar 8, 2013 at 4:50 PM

Subject: Proposed Apartment Complex

To: [mark.donaldson@knoxmpc.org](mailto:mark.donaldson@knoxmpc.org)

MARK DONALDSON

March 8, 2013

MPC Executive Director

Suite 403 • City County Building

400 Main Street; Knoxville, TN 37902

Mr. Donaldson,

My name is Russell Williams. I live in Harrison Springs, a neighborhood set in between Hardin Valley Road and Lovell Road. The wooded stretch of land behind my house was one of the primary reasons I chose to live in Harrison Springs. My family and I enjoy the serene privacy provided by nature. However, it has come to my attention that the MPC is going to review a plan to rezone the land behind my house and allow an apartment complex. Four years ago, a proposal was made to build an apartment complex. The company that intended to build the complex presented a plan that would position dozens of apartment balconies practically hanging over my back yard.

When I purchased my home almost seven years ago, I was assured that the land behind my house was zoned commercial, and that was an acceptable option to me. My neighbor just moved in not long ago and they were also assured by a real estate agent that the land behind their house was zoned commercial. I could accept possible doctors' offices etc. behind my house, but under no circumstances would I have bought my home had I known there was an option to put apartments on the land—with apartment balconies staring into my back yard. Not only would our privacy and view be eliminated, but the complex would be financially disastrous to me because the value of my home would decrease, if not on appraisal papers, then by reality. Few people would want to buy a house with apartment balconies just a few feet from their screen porch. That would make my home very difficult to sell in an already difficult housing market.

And the housing market is likely to get much worse in the area because of the federal budget deficit. Demand for apartments in Hardin Valley is fueled by government jobs created in Oak Ridge. The sad truth is that because the federal deficit is so large, government spending in Oak Ridge is certain to decline. Rather than job growth, there will more likely be layoffs in the future. When that happens, many of the existing

apartments in the area will be empty so I see no need to approve a third future development in the area.

If I am wrong about the shrinking job market in Oak Ridge, then there is another drawback to putting another high density development in the area. Hardin Valley Academy is already overcrowded. My daughter is currently a third grader at Hardin Valley Elementary School. By the time she reaches High School, Hardin Valley Academy may be so crowded that she will either suffer from a very high teacher to student ratio and therefore weaken the value of her education, or she will be rezoned to another high school. When we bought this home in Harrison Springs, we did so with the assurance that my daughter would attend Hardin Valley Academy. More high density apartment complexes in the area makes rezoning a likely option, one which I would very much like to avoid.

Please, Mr. Donaldson, vote to deny rezoning of the property behind my house.

Sincerely,

Russell Williams

2028 Fall Haven Lane  
Knoxville, TN 37932  
693-7410

**The following is information provided by Mr. Nick McBride as it relates to MPC File # 12-D-12-RZ/12-A-12-SP (Phillip Garrett). It includes photographs of Mr. Garrett's property and other nearby properties, as well as documentation of site inspections conducted by Knox County Stormwater staff beginning in June, 2012.**



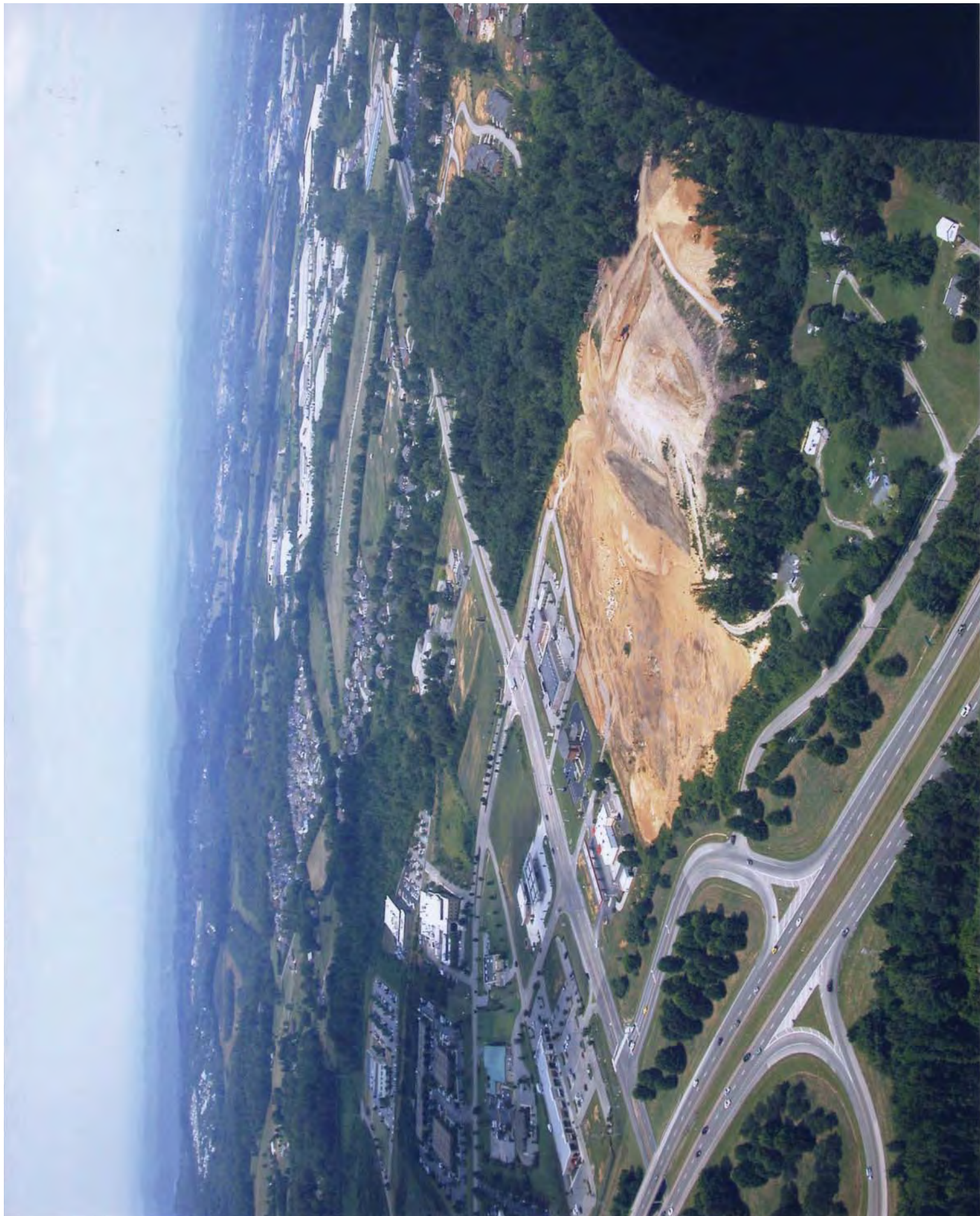
June 2012 Aerial













### Inspection: Environmental Inspection 1840

Status: CLOSED      Priority: High  
 Inspector: KECK, DEREK      Date Inspected: 6/22/2012 8:46:13 AM  
 Location: 2122 Schaeffer Road  
 Notes: Top soil has been striped throughout the project and grading is underway. Fill material has been placed on the south side of the project that is not shown in the grading plan. Sediment traps are installed throughout for EPSC.

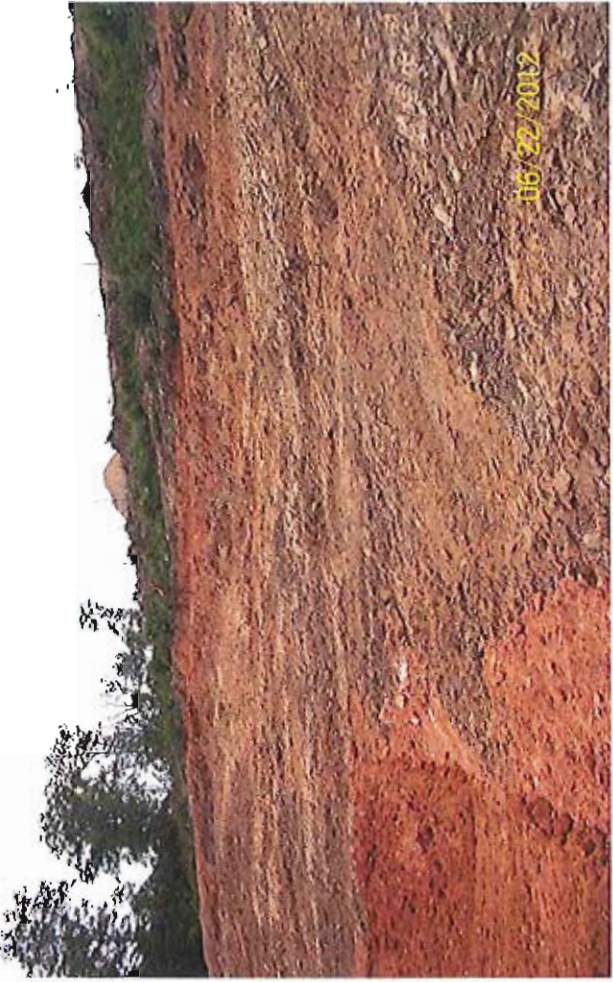
**Related Work Order**

Work Order ID #	2622
Work Order Category	Stormwater
Work Order Description	Routine Inspection
Assigned To	KECK, DEREK
Projected Start Date	6/25/2012 9:20:42 AM
Projected Finish Date	6/27/2013 9:20:42 AM
Work Order Address	2122 Schaeffer Road
Work Order General Location	Garrett Property

**Observations / Results**

Question Id	Question	Answer
37550	Weather:	clear
37551	NOV Issued	NO
37552	Type of Inspection	Routine
37553	Site Has Knox Co. Permit	YES
37554	Sequencing of SWPPP being followed	YES
37555	EPSC BMPs properly installed and maintained	YES
37556	Sediment retained on site	YES
37557	Buffer zone maintained (if applicable)	YES
37558	Inactive areas stabilized w/in 15 days (7 days for steep slopes)	YES
37559	Site free of other pollutants/discharges or unusual problems?	YES
37560	All permitted building & filling outside of the no-fill line	YES
37561	Comments:	









### Inspection: Environmental Inspection 1762

Status: CLOSED      Priority: High  
 Inspector: KECK, DEREK      Date Inspected: 7/2/2012 2:15:00 PM  
 Location: 2122 Schaeffer Road  
 Notes: Mr. Garrett has continued to fill the natural drainage way on the southern portion of his property. This is not shown in the design plan. A NOV will be sent requiring an updated grading plan showing the work as it has been done.

**Related Work Order**

Work Order ID #	2622
Work Order Category	Stormwater
Work Order Description	Routine Inspection
Assigned To	KECK, DEREK
Projected Start Date	6/25/2012 9:20:42 AM
Projected Finish Date	6/27/2013 9:20:42 AM
Work Order Address	2122 Schaeffer Road
Work Order General Location	Garrett Property

**Observations / Results**

Question Id	Question	Answer
35966	Weather:	clear
35967	NOV Issued	YES
35968	Type of Inspection	Routine
35969	Site Has Knox Co. Permit	YES
35970	Sequencing of SWPPP being followed	NO
35971	EPSC BMPs properly installed and maintained	YES
35972	Sediment retained on site	YES
35973	Buffer zone maintained (if applicable)	YES
35974	Inactive areas stabilized w/in 15 days (7 days for steep slopes)	YES
35975	Site free of other pollutants/discharges or unusual problems?	YES
35976	All permitted building & filling outside of the no-fill line	YES
35977	Comments:	



July 6, 2012

Philip Garrett  
2122 Schaeffer Road  
Knoxville, TN 37932

## **Notice of Violation**

Re: Violation of Knox County's Ordinance for Stormwater Management, O-07-12-101  
2122 Schaeffer Road

To Whom It May Concern,

On July 2, Derek Keck conducted an inspection of the above referenced location to determine compliance with Knox County's Ordinance for Stormwater Management, O-07-12-101 (henceforth known as Knox County's Stormwater Ordinance). During the site investigation the following violations were observed:

### **2.2: Stormwater Management Plan does not adequately reflect the current site conditions and contractor operations**

- The grading work that is currently being performed on this property is not within the scope of the design plan or the grading permit that was issued. A grading permit was issued so that the property owner could do the grading work that is necessary to stabilize the property, particularly the slopes located on the north side of the property. However, the work that is being performed is not necessary to stabilize the site. The grading contractor is cutting a large quantity of material from highest elevation and is filling in the drainage way on the south side of the property. This is not at all essential for site stabilization. Very little progress has been made to stabilize the property. In order to continue doing any grade work that is not essential to stabilize the site, a more detailed Stormwater Management Plan must be submitted and approved by Knox County. Knox County has established the stormwater management plan as the "umbrella" plan under which all stormwater and roadway related plans are to be submitted and grading and building permits are approved. Section 4.2.2(a) of Knox County's Stormwater Ordinance states the owner or operator is not allowed to deviate from the approved storm water management plan without prior approval of a plan amendment by the Director. In addition to this NOV letter, you are being assessed a Civil Penalty of \$500. This Civil Penalty is being assessed because the property owner was verbally advised during an inspection on June 22, both by TDEC and Knox County Stormwater, that the only work to be performed is that which is necessary to stabilize the site. A representative of the property owner, Rick Parker, was also cautioned during a meeting with Knox County Stormwater and TDEC on June 26. An inspection of the property on July 2, confirmed that no progress had been made to stabilize the slopes on the north side of the property, but the contractor was continuing to fill the drainage way on the south side of the property.



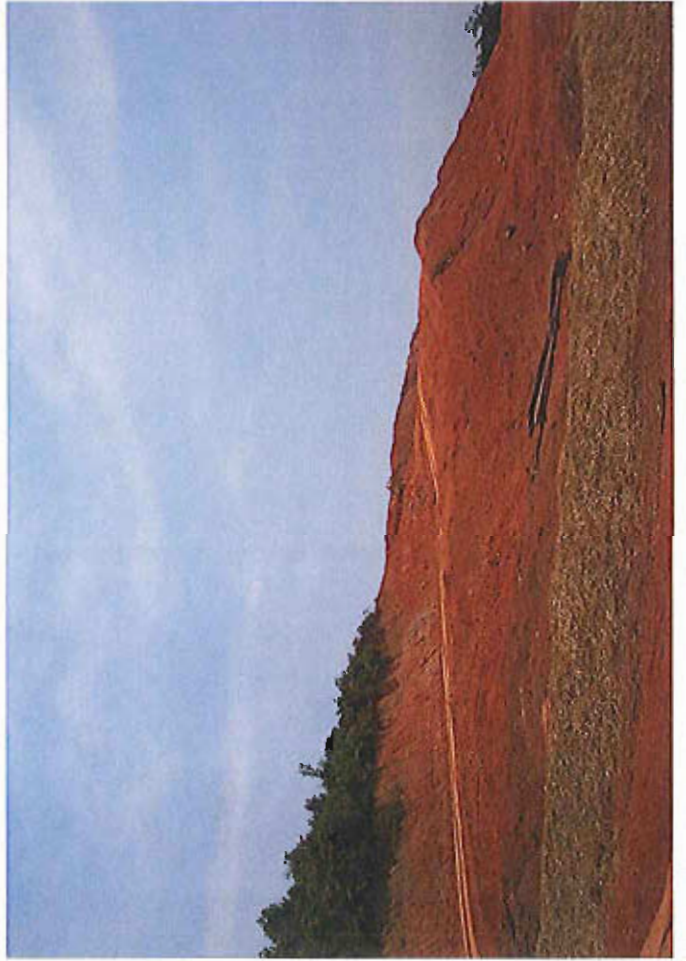
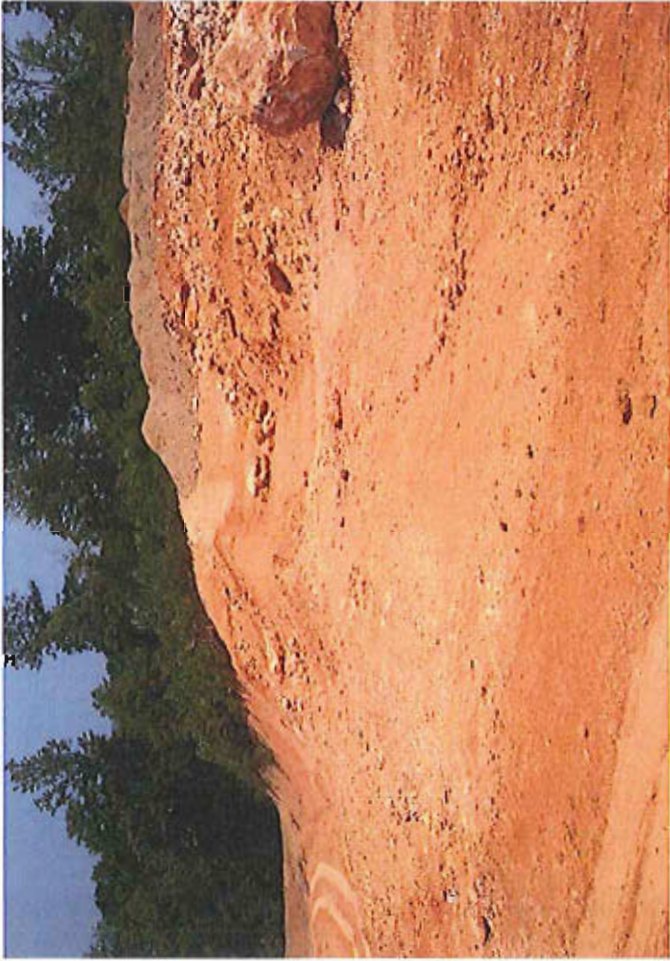
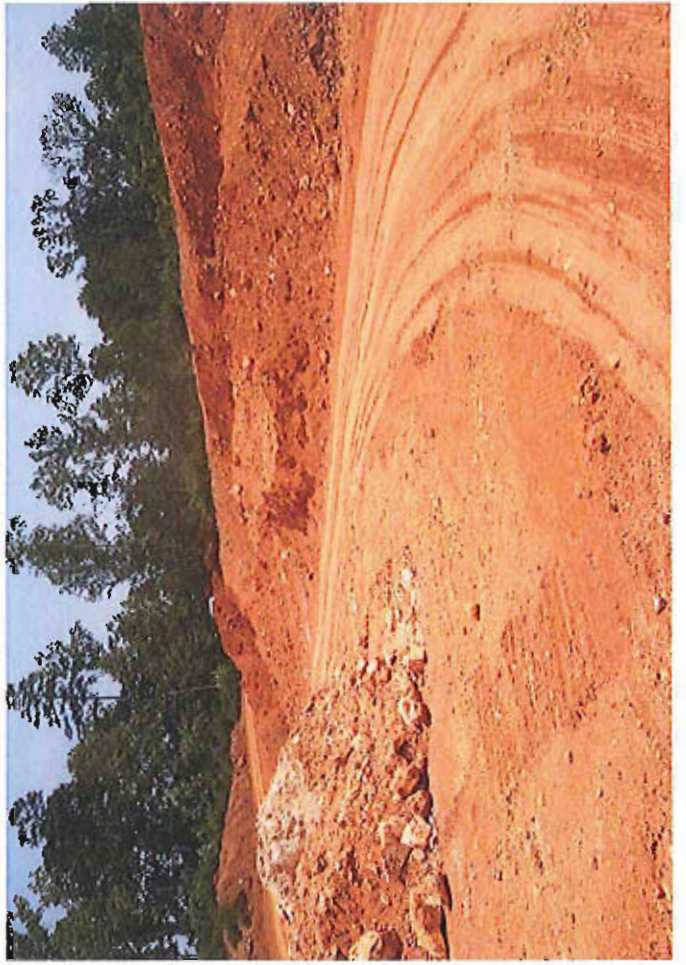
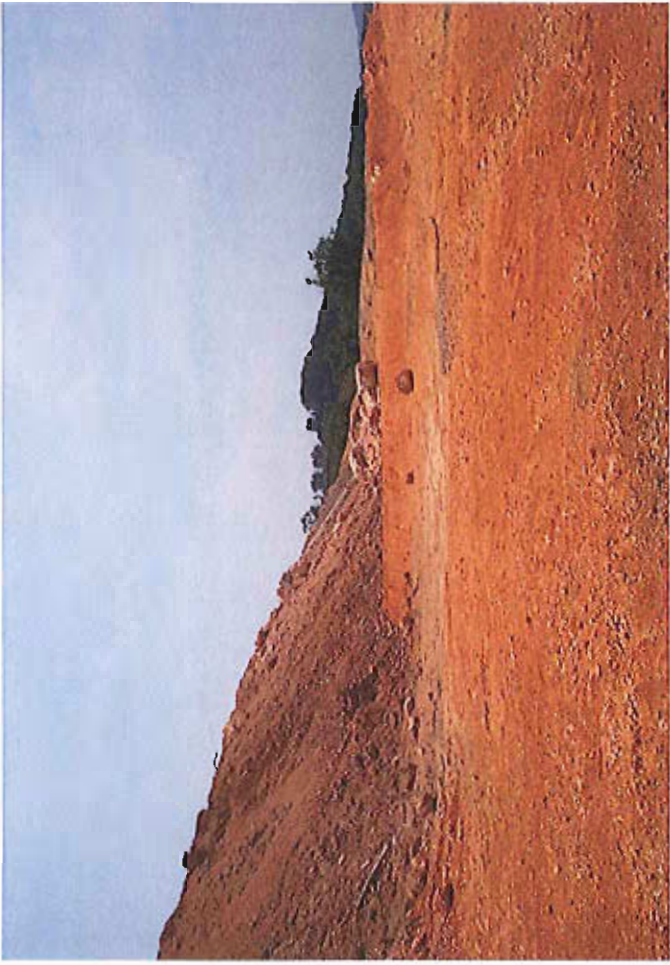
Given the facts presented, Knox County is issuing you this Notice of Violation to make you aware of deficiencies at your site in the above listed areas. **In addition to this NOV, you are being assessed a Civil Penalty totaling \$500.** Please be aware that all Knox County inspections and permitting processes for this site have been frozen until the Civil Penalty has been paid in full or until an agreed upon solution has been reached between you and Knox County Engineering and Public Works. The Civil Penalty payment should be submitted within 30 days payable to Knox County Trustee 205 West Baxter Avenue, Knoxville, TN 37917. If you wish to appeal this penalty, you may send in a written request addressed to Knox County Stormwater Appeals at 205 West Baxter Avenue, Knoxville, TN 37917 within 10 days of receipt of this letter. If you have not responded to this letter within 10 days of its receipt, any civil penalty will be considered final. Knox County may apply to the appropriate chancery court for a judgment and seek execution of such judgment. The court, in such proceedings, shall treat the failure to appeal the civil penalty as a confession of judgment. This Civil Penalty does not relieve you of your responsibility to become fully compliant with Knox County's Stormwater Ordinance. Please be advised that further penalties may result for each additional day of noncompliance in reference to each of the violations listed above. Under the amended section of Knox County's Stormwater Ordinance, Section 16, violators can be fined up to \$5,000 per day per violation.

I look forward to a timely resolution to this situation. If you have questions regarding this letter, please feel free to contact me at 865-215-5840. You may also contact the Knox County personnel that conducted the site inspection. Derek Keck may be reached at 865-215-5829 or [derek.keck@knoxcounty.org](mailto:derek.keck@knoxcounty.org)

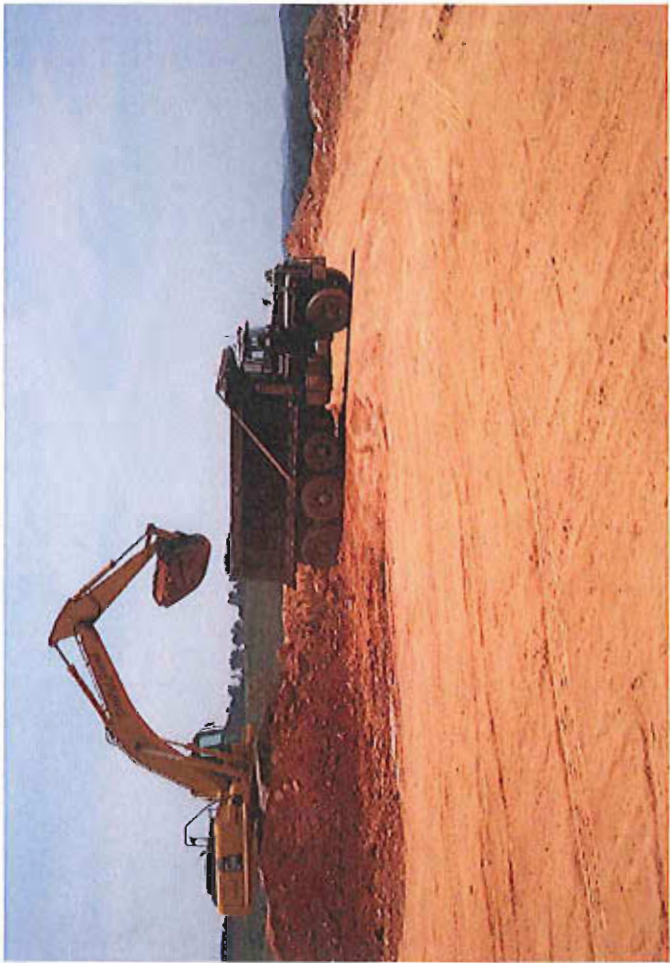
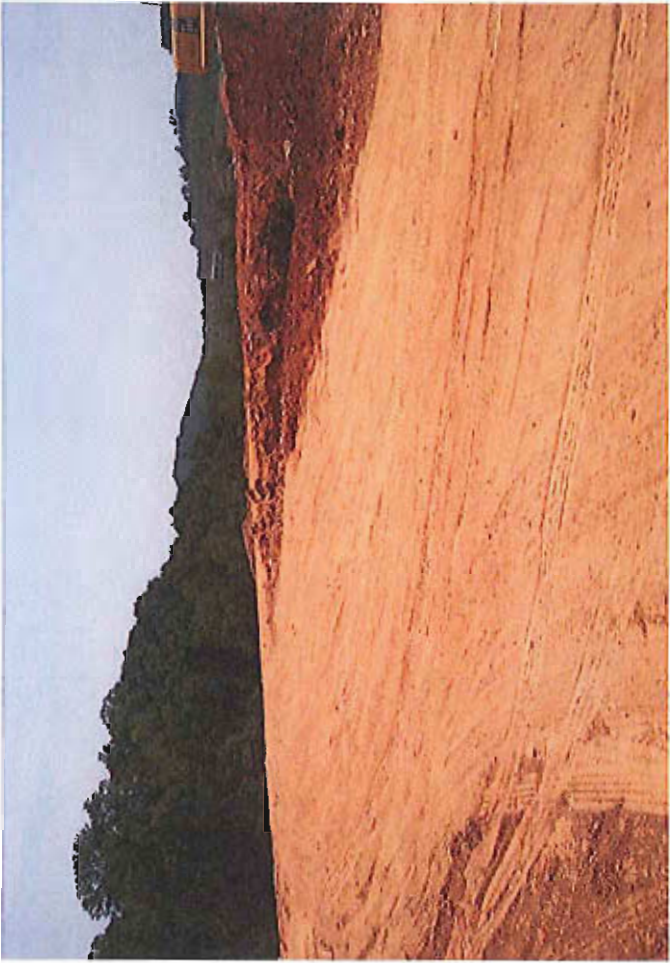
Sincerely,

Christopher Granju, P.E.  
Stormwater Management Coordinator  
Knox County

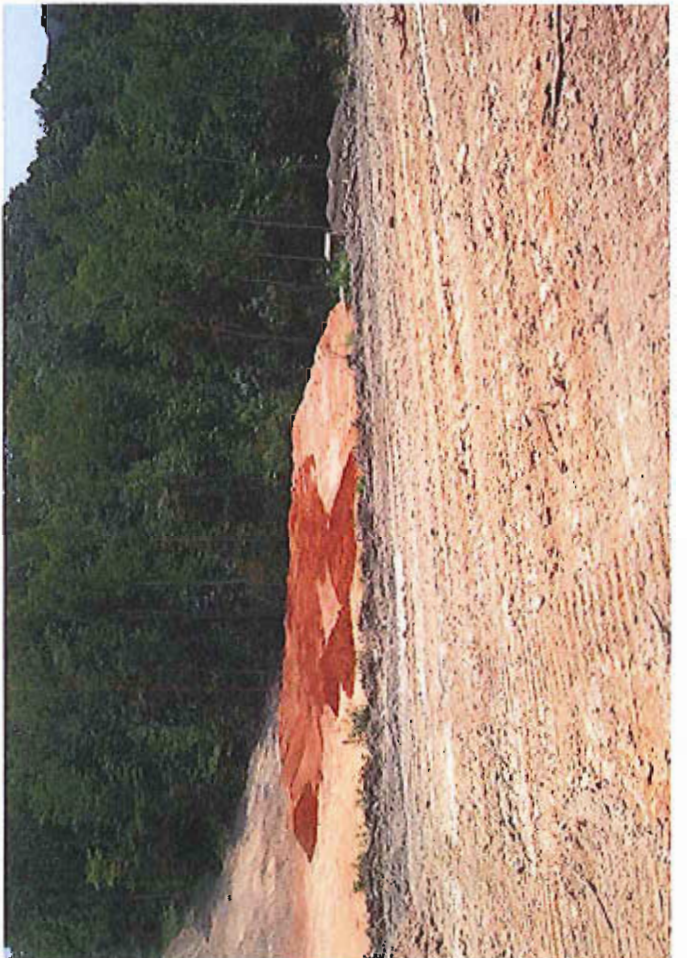
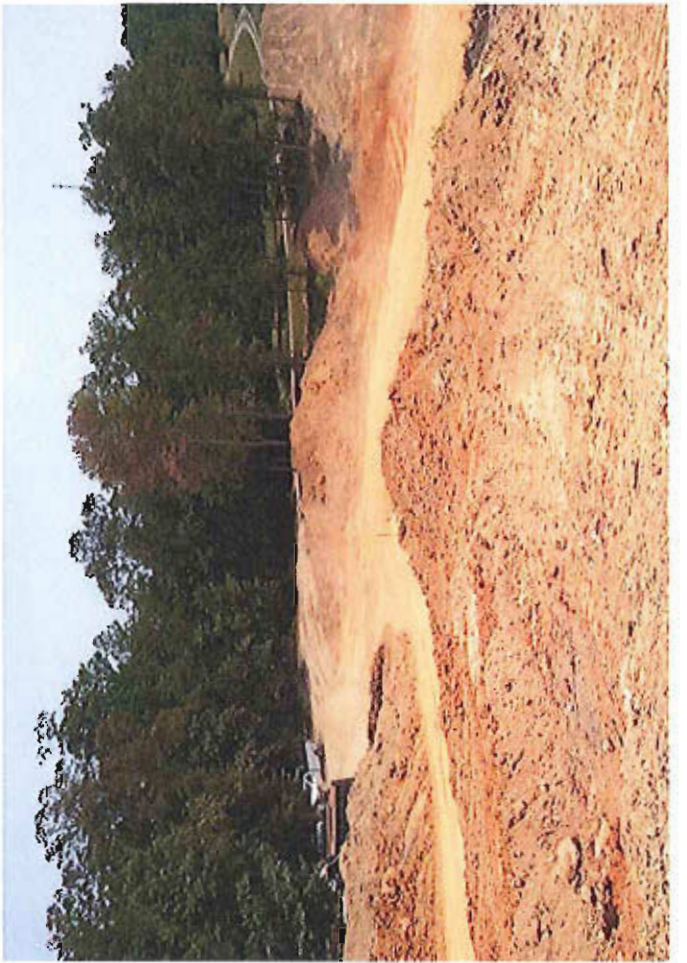




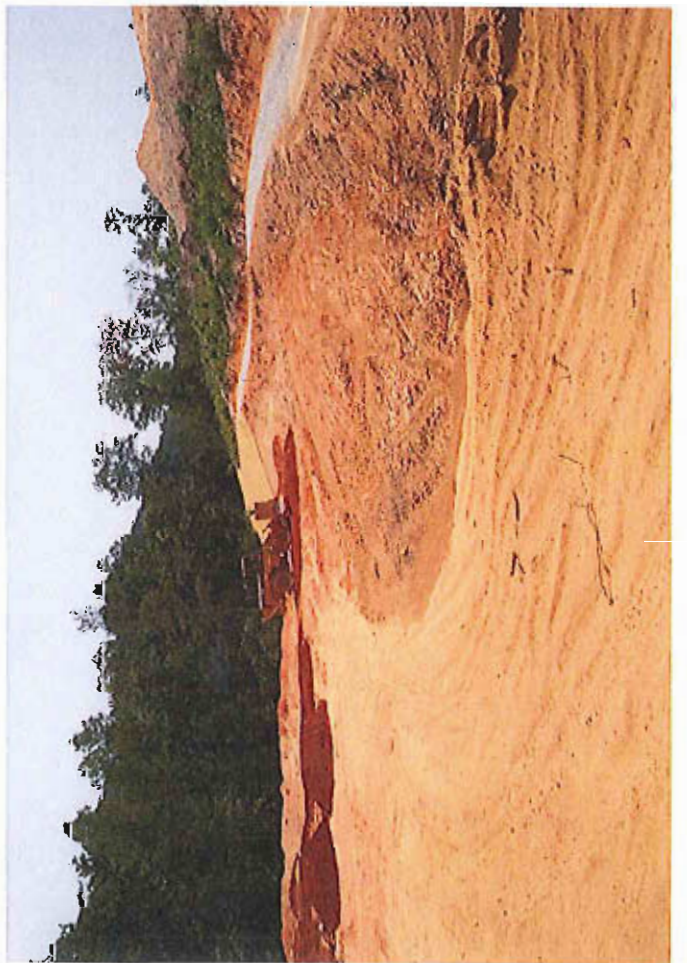
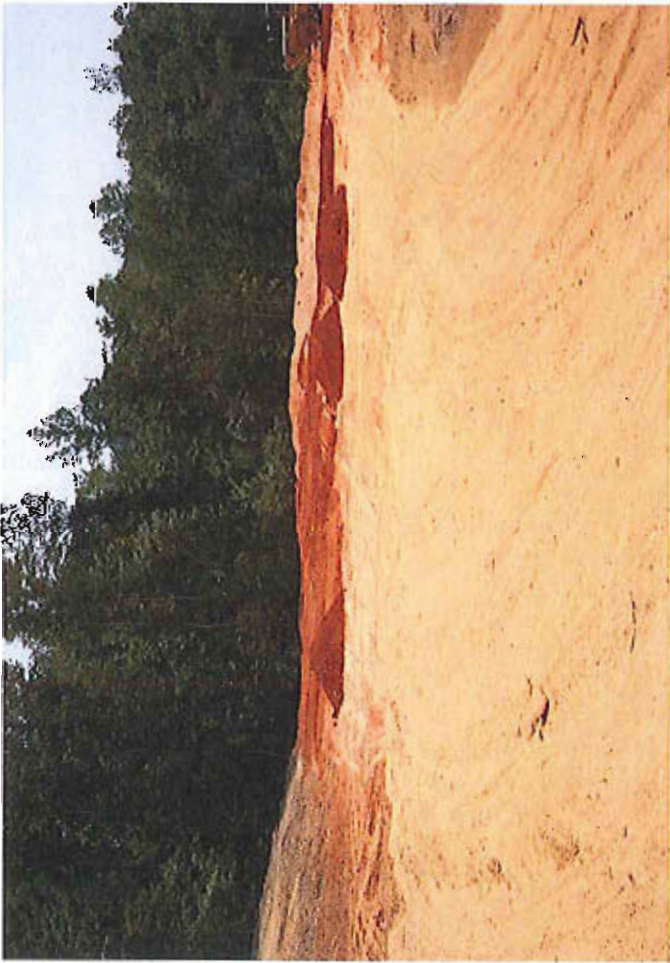
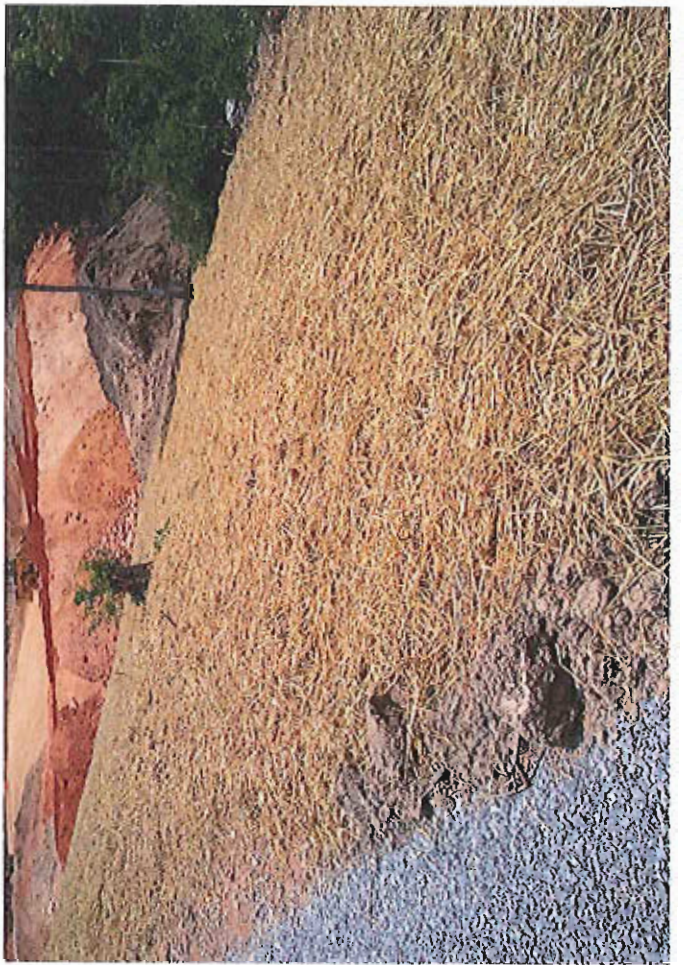
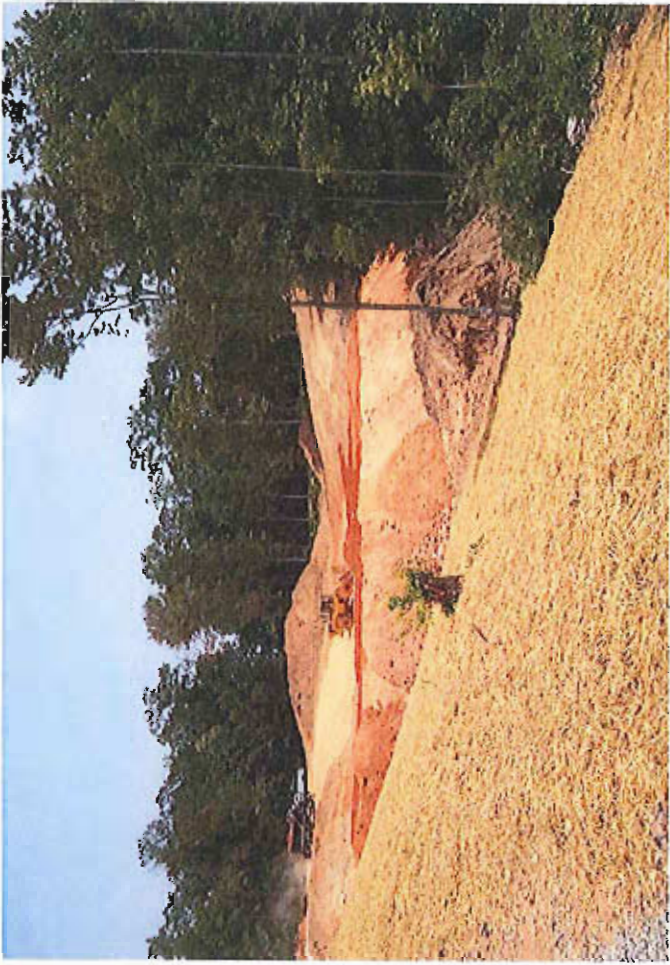




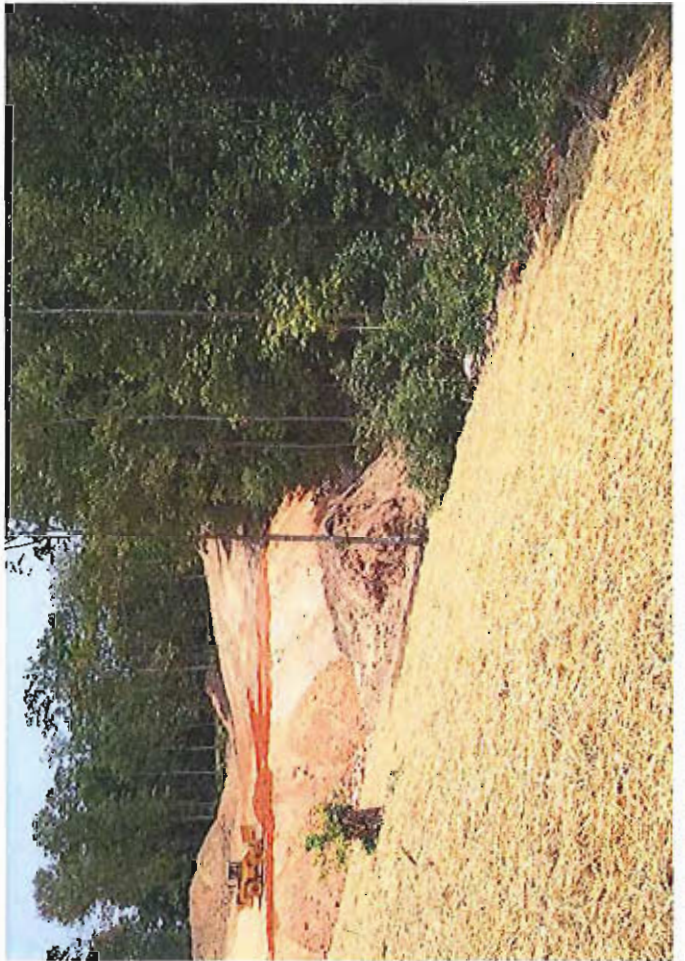
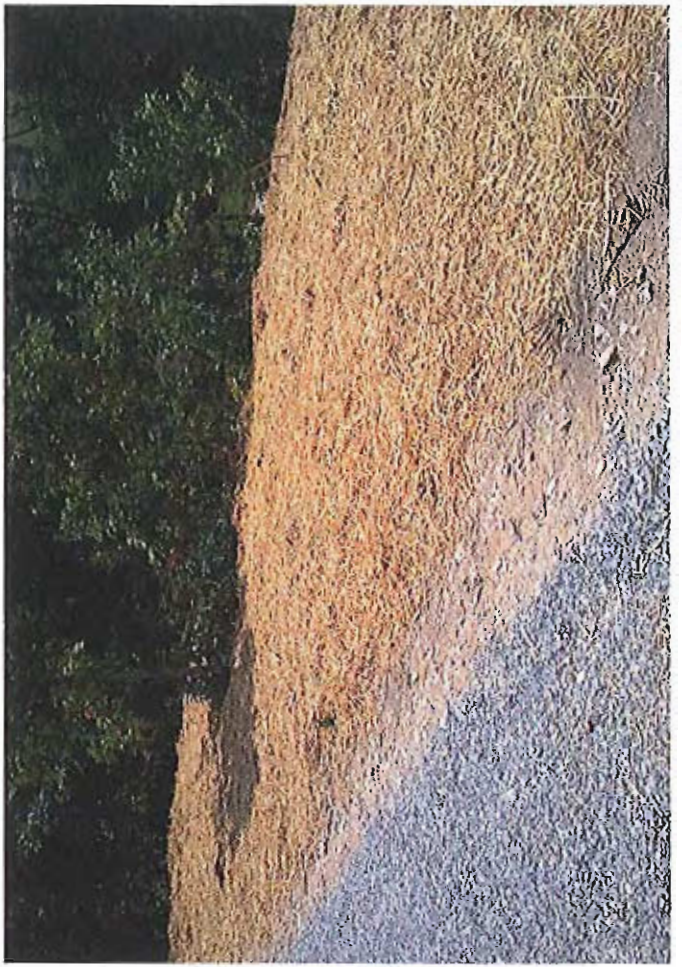




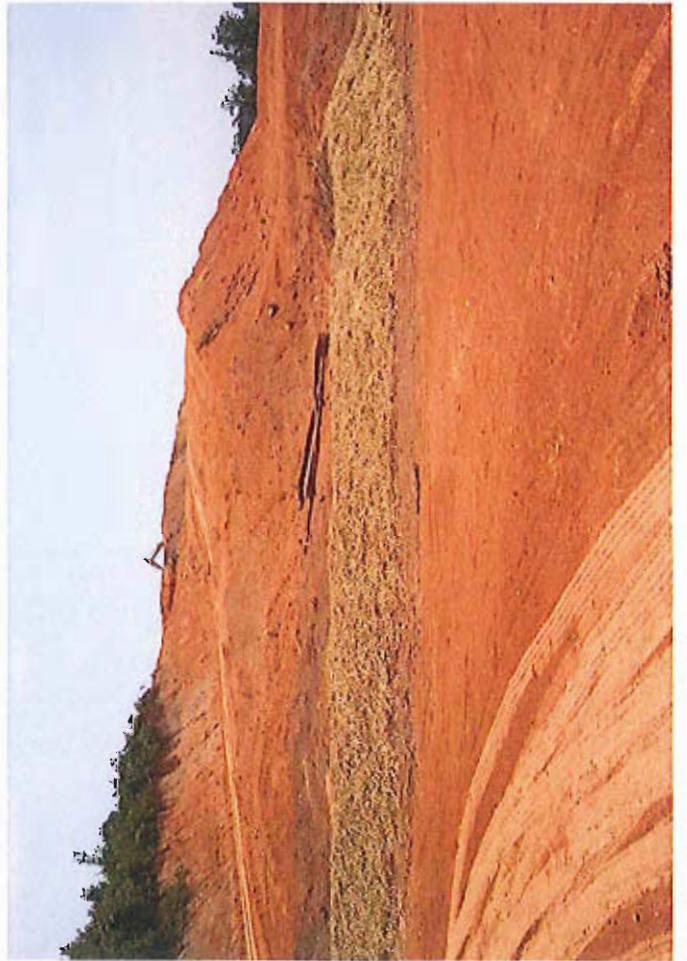
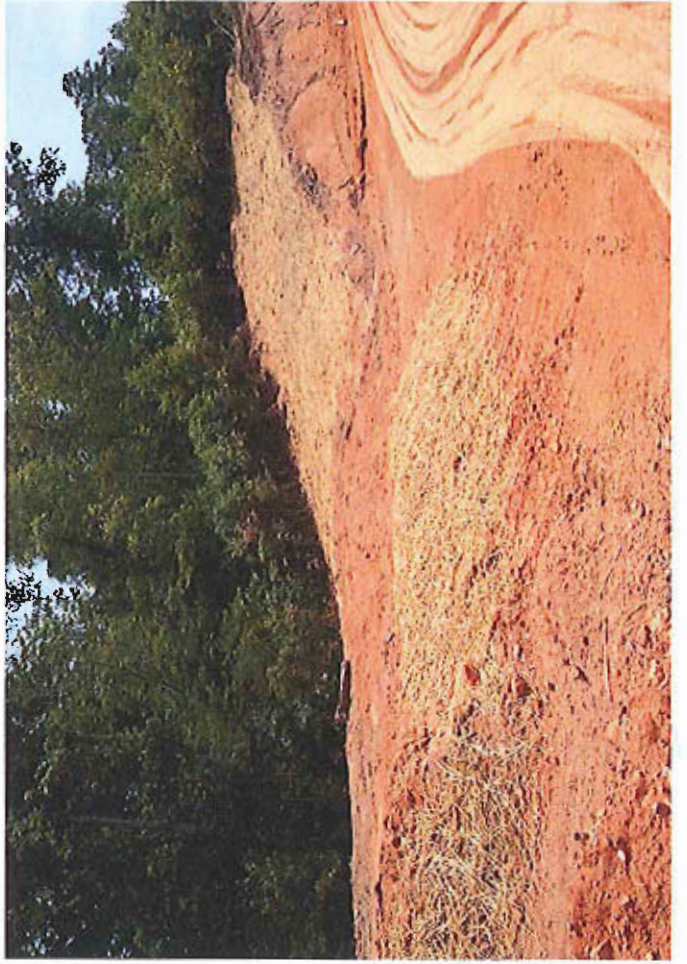














### Inspection: Environmental Inspection 1770

Status: CLOSED      Priority: High  
 Inspector: KECK, DEREK      Date Inspected: 7/20/2012 1:15:00 PM  
 Location: 2122 Schaeffer Road  
 Notes: Sediment has left the property to the southwest corner, at sediment trap #5. The sediment traps are insufficient and additional BMPs are needed to prevent erosion. See attached photos and NOV.

**Related Work Order**

Work Order ID #	2622
Work Order Category	Stormwater
Work Order Description	Routine Inspection
Assigned To	KECK, DEREK
Projected Start Date	6/25/2012 9:20:42 AM
Projected Finish Date	6/27/2013 9:20:42 AM
Work Order Address	2122 Schaeffer Road
Work Order General Location	Garrett Property

**Observations / Results**

Question Id	Question	Answer
36116	Weather:	clear
36117	NOV Issued	YES
36118	Type of Inspection	Routine
36119	Site Has Knox Co. Permit	YES
36120	Sequencing of SWPPP being followed	NO
36121	EPSC BMPs properly installed and maintained	NO
36122	Sediment retained on site	NO
36123	Buffer zone maintained (if applicable)	YES
36124	Inactive areas stabilized w/in 15 days (7 days for steep slopes)	YES
36125	Site free of other pollutants/discharges or unusual problems?	YES
36126	All permitted building & filling outside of the no-fill line	YES
36127	Comments:	

July 25, 2012

Philip Garrett  
2122 Schaeffer Road  
Knoxville, TN 37932

## **Notice of Violation**

Re: Violation of Knox County's Ordinance for Stormwater Management, O-07-12-101  
2122 Schaeffer Road

Mr. Garrett,

On July 20, Derek Keck conducted an inspection of the above referenced location to determine compliance with Knox County's Ordinance for Stormwater Management, O-07-12-101 (henceforth known as Knox County's Stormwater Ordinance). During the site investigation the following violations were observed:

### **4.2: Temporary sediment controls are not properly installed, functional and/or maintained.**

- Sections 7.1 and 7.2(b) of Knox County's Stormwater Ordinance specify that EPSC control measures shall be properly installed and maintained in accordance with TDEC's Erosion & Sediment Control Handbook for all land disturbing activities. An inspection of your site on July 20, 2012, found your site to be deficient in this area. The sediment traps that are installed throughout the project are apparently not functional as a stand-alone EPSC device. Sediment trap #5, on the southwest corner of the property, has become inundated with sediment that has eroded from the new fill material, reducing the wet storage volume significantly, and allowing the sediment trap to overflow causing sediment to leave the property. Similarly, sediment trap #6 has also received a large amount of sediment deposits, caused by erosion. Additional erosion controls are required to prevent sediment from leaving the property. The sediment traps should be used in conjunction with silt fences, check dams, etc. to prevent any additional erosion. You are required to rectify the problem by July 31, 2012, in order to avoid further penalties. Failure to comply with this request will result in further enforcement action.



This sediment has washed into the sinkhole and must be removed.

The highlighted material was not placed in this area, but has washed out from the fill area above.

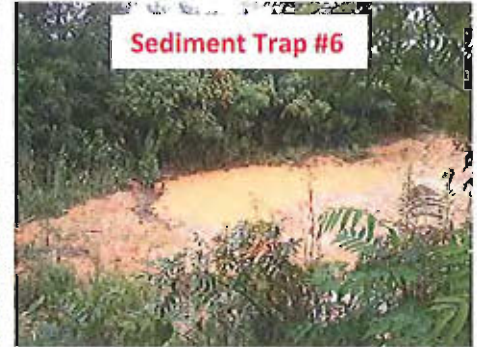




This sediment has settled in the wooded area downstream from Sediment Trap #5.



This photo was taken on the neighboring property. There is significant evidence that sediment is leaving the property (2122 Schaeffer Road).



This trap is virtually no available storage; therefore it is not functioning property. Additional volume should be created.

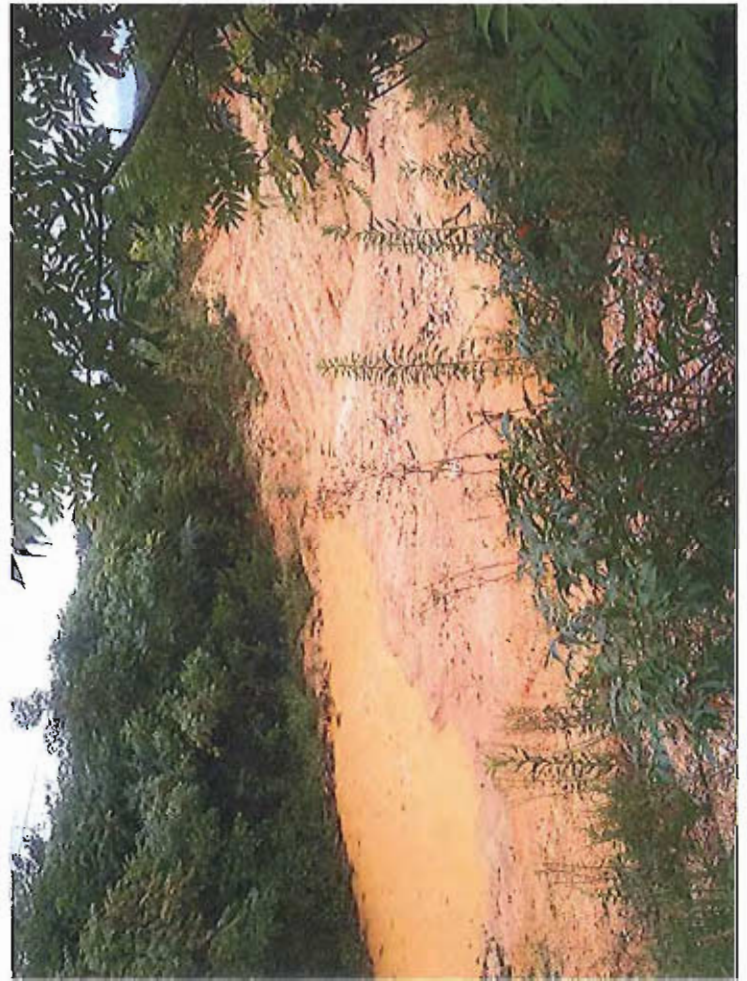
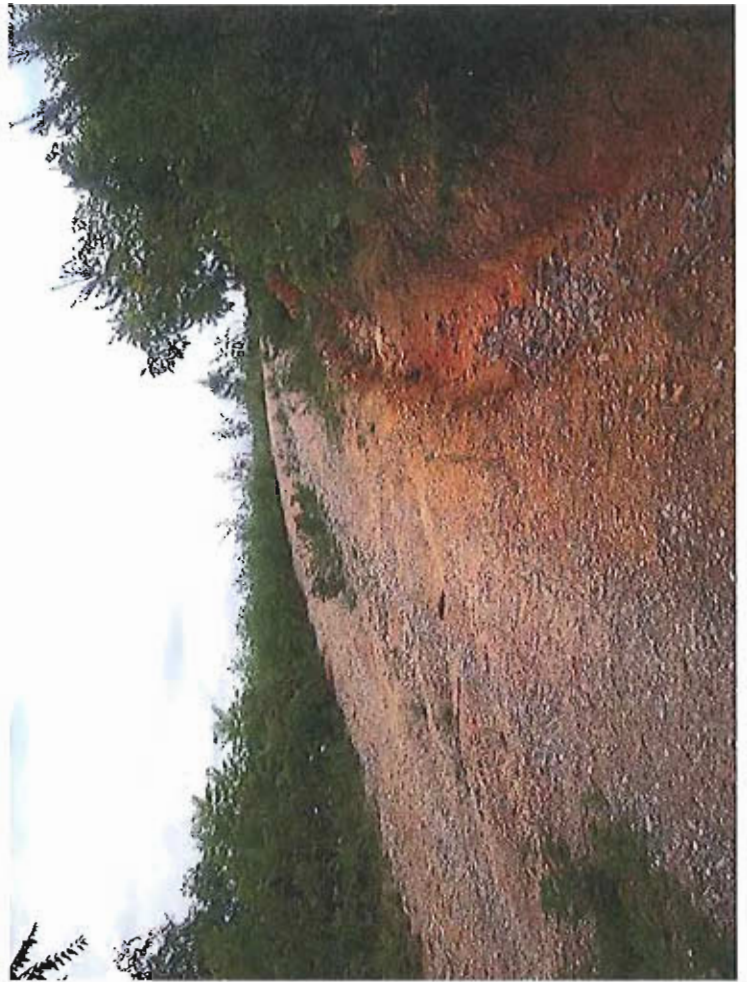
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I look forward to a timely resolution to this situation. If you have questions regarding this letter, please feel free to contact me at 865-215-5840. You may also contact the Knox County personnel that conducted the site inspection. Derek Keck may be reached at 865-215-5829 or [derek.keck@knoxcounty.org](mailto:derek.keck@knoxcounty.org)

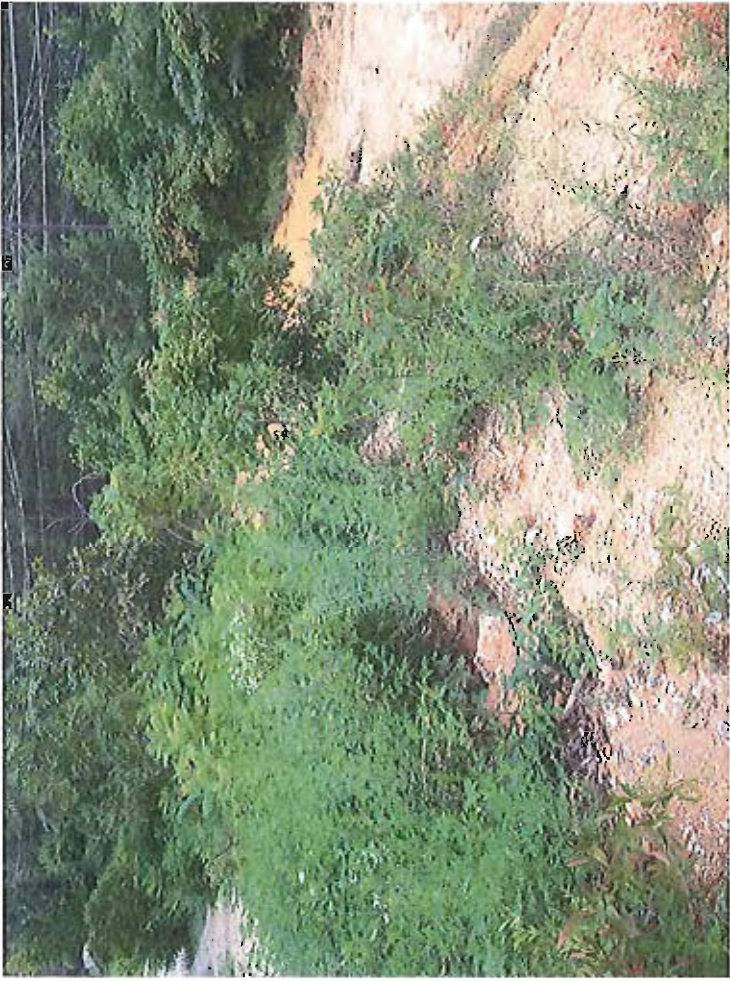
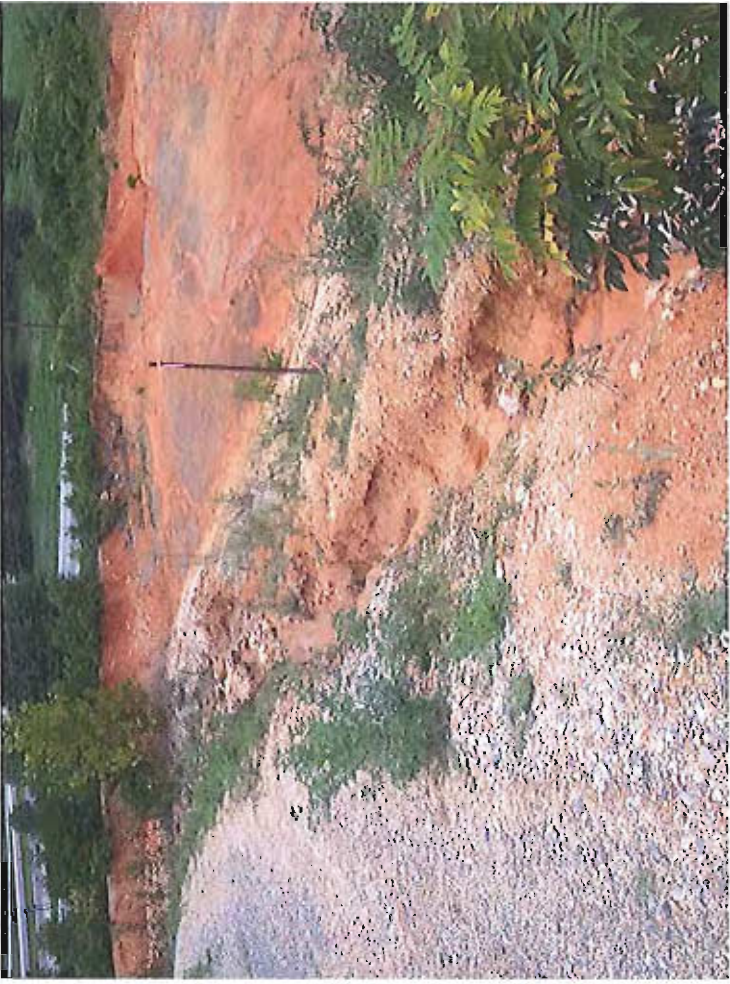
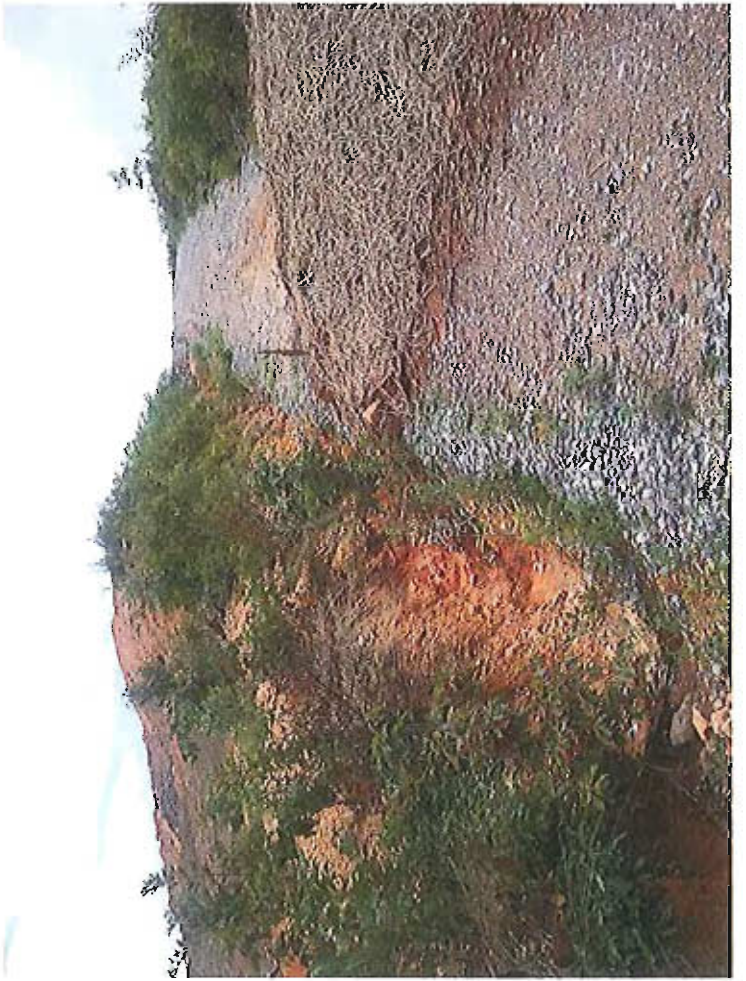
Sincerely,

Christopher Granju, P.E.  
Stormwater Management Coordinator  
Knox County

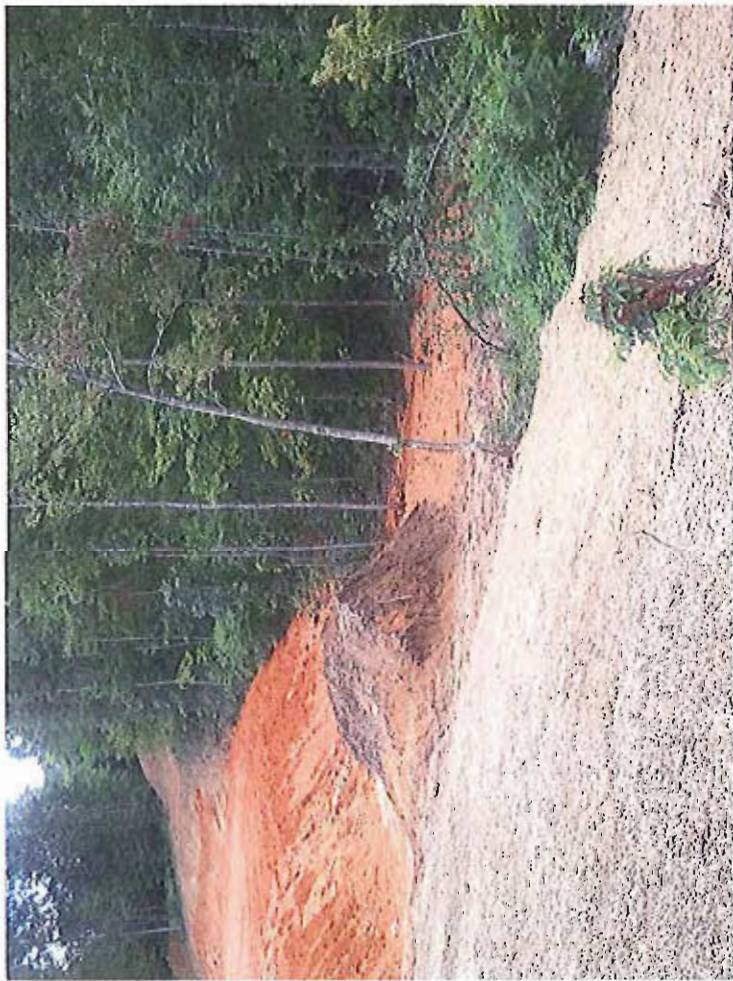
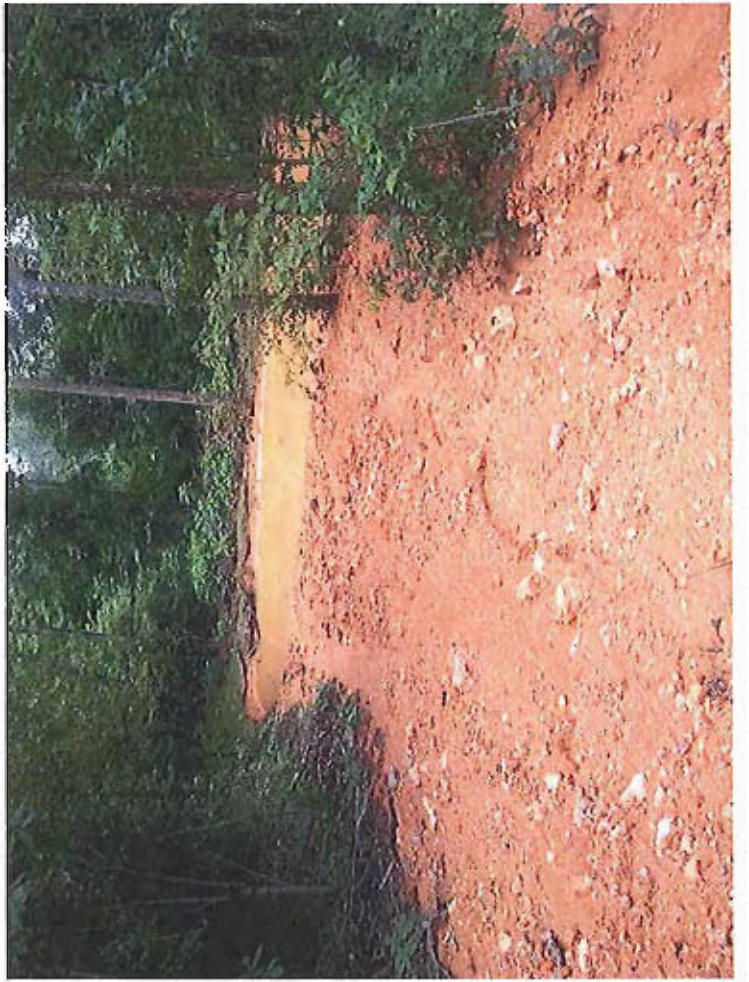
















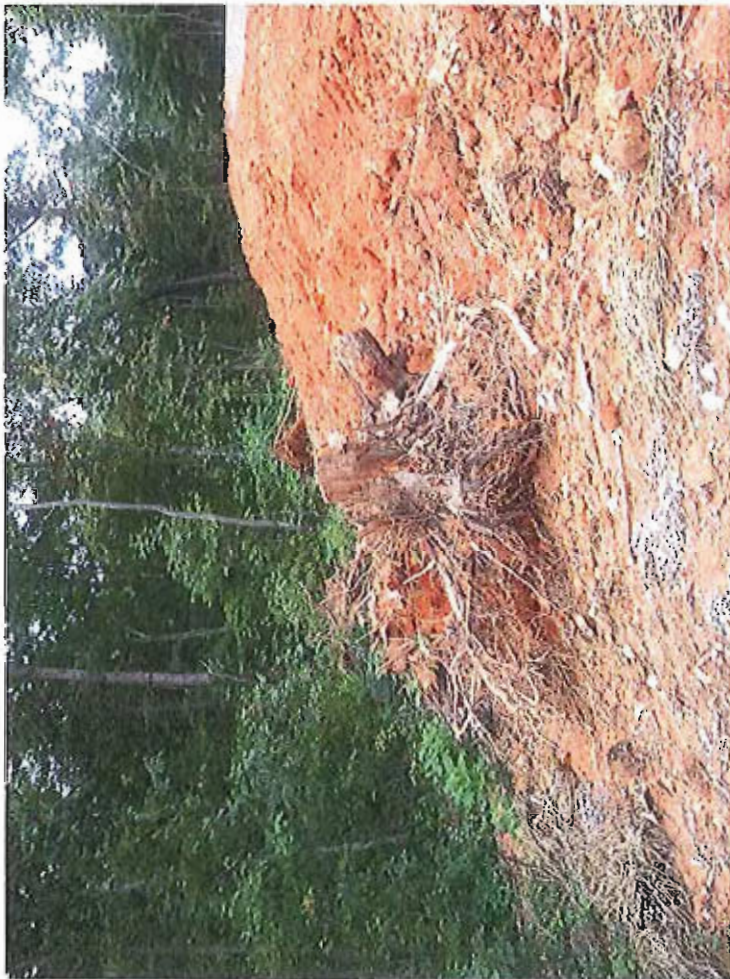
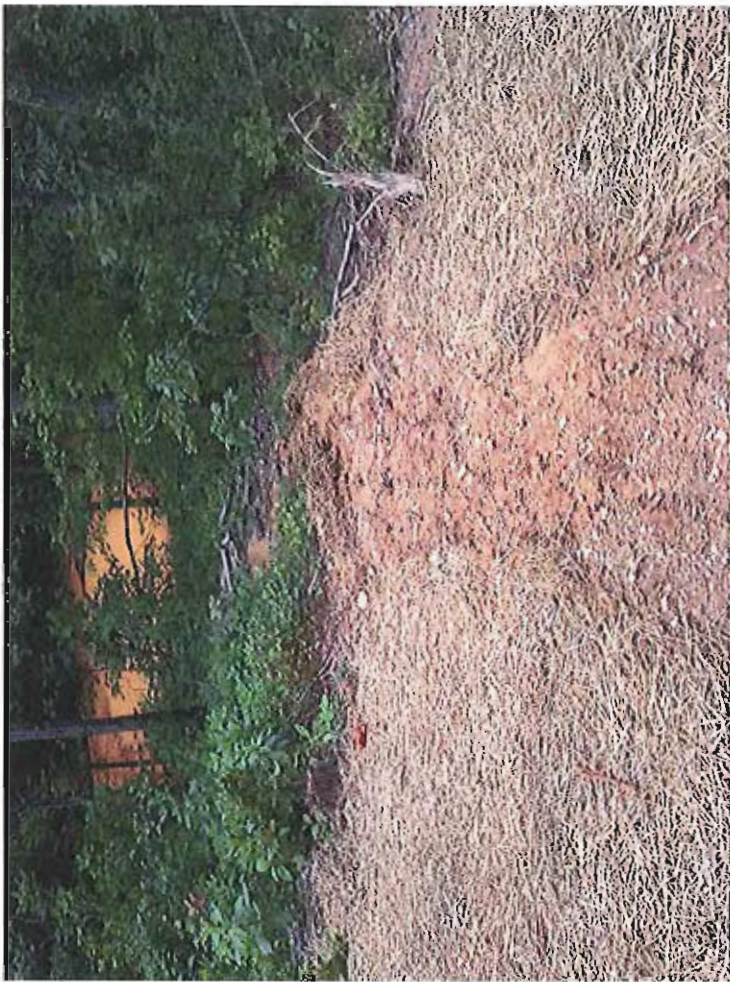














### Inspection: Environmental Inspection 1944

Status: CLOSED      Priority: High  
 Inspector: KECK, DEREK      Date Inspected: 8/10/2012 3:45:00 PM  
 Location: 2122 Schaeffer Road  
 Notes: Top soil has been distributed on the slopes on the north side of the project. All erosion controls appear to be functioning properly.

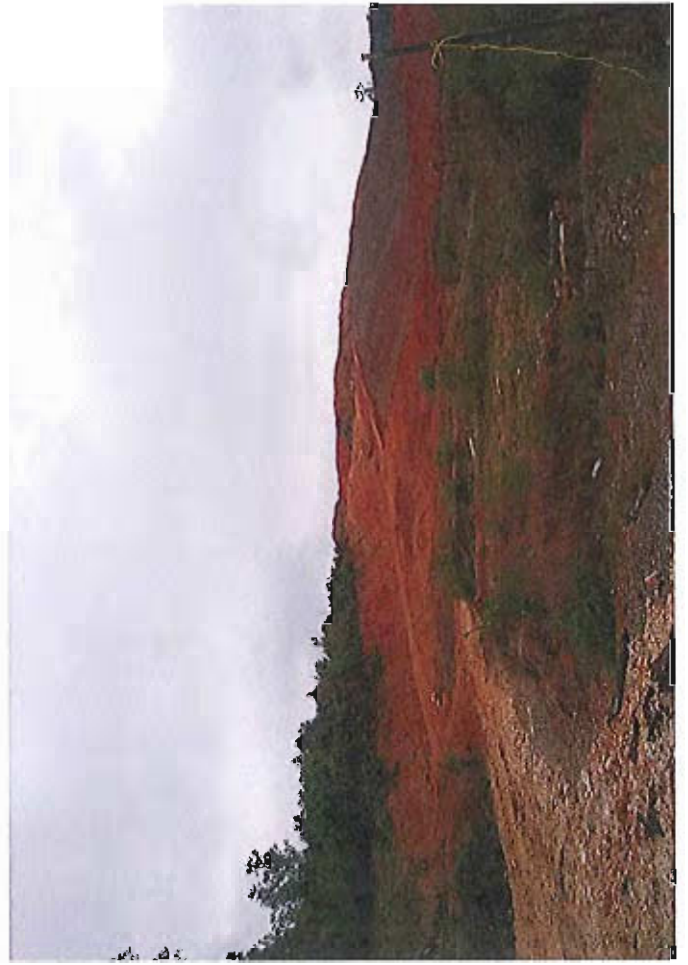
**Related Work Order**

Work Order ID #	2991
Work Order Category	Stormwater
Work Order Description	Notice of Violation
Assigned To	KECK, DEREK
Projected Start Date	7/26/2012 8:23:09 AM
Projected Finish Date	7/28/2012 8:23:09 AM
Work Order Address	2122 Schaeffer Road
Work Order General Location	Garrett Property

**Observations / Results**

Question Id	Question	Answer
39815	Weather:	overcast
39816	NOV Issued	NO
39817	Type of Inspection	Routine
39818	Site Has Knox Co. Permit	YES
39819	Sequencing of SWPPP being followed	YES
39820	EPSC BMPs properly installed and maintained	YES
39821	Sediment retained on site	YES
39822	Buffer zone maintained (if applicable)	YES
39823	Inactive areas stabilized w/in 15 days (7 days for steep slopes)	YES
39824	Site free of other pollutants/discharges or unusual problems?	YES
39825	All permitted building & filling outside of the no-fill line	YES
39826	Comments:	









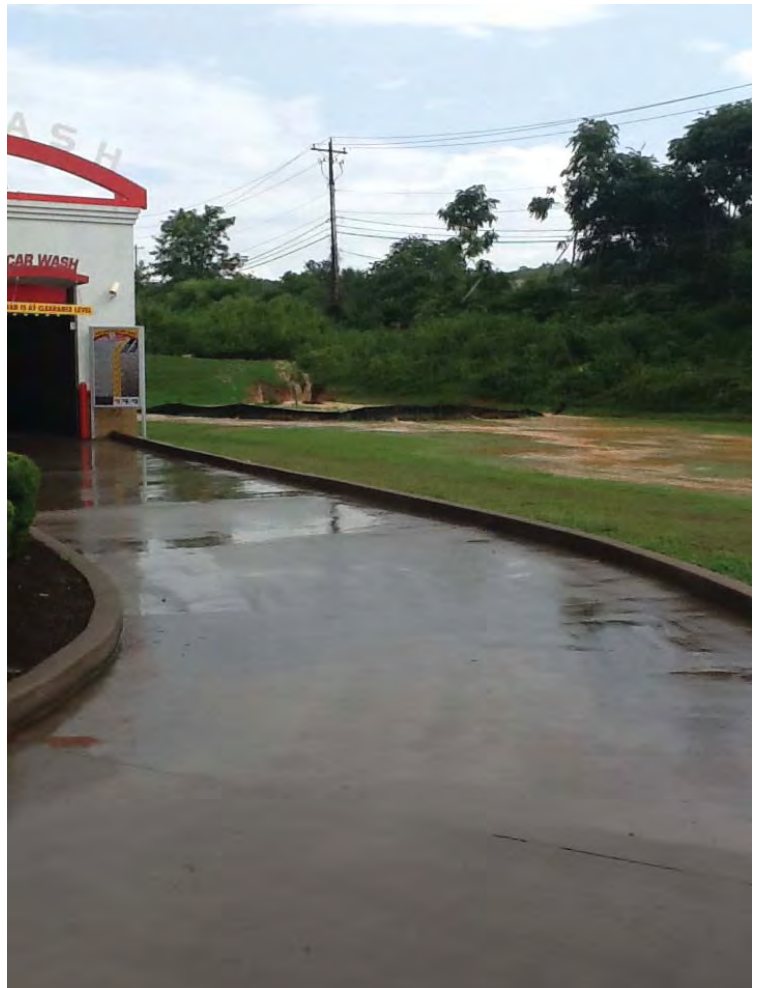
### Current Aerial Photo on KGIS

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37772 - [www.kgis.org](http://www.kgis.org)

Printed: 3/7/2013 at 10:06 AM

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March 7, 2013







March 7, 2013