

▶ **FILE #:** 12-D-12-RZ **AGENDA ITEM #:** 24
 POSTPONEMENT(S): 12/13/12-4/11/13 **AGENDA DATE:** 5/9/2013

▶ **APPLICANT:** PHILIP M. GARRETT
 OWNER(S): Philip M. Garrett

TAX ID NUMBER: 104 093, 096 & 097 MAP ON FILE AT MPC.

JURISDICTION: County Commission District 6

▶ **LOCATION:** East side Schaeffer Rd., southeast of Hardin Valley Rd.

▶ **APPX. SIZE OF TRACT:** 31 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Schaeffer Rd., a minor collector street with 20' of pavement width within the Pellissippi Parkway right-of-way, Hardin Valley Rd., a four-lane major arterial street within 175' of right-of-way, or Iron Gate Blvd., a local boulevard street within 70' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** PC (Planned Commercial)/TO (Technology Overlay) and BP (Business & Professional Office)

▶ **ZONING REQUESTED:** OB (Office, Medical, and Related Services)/TO (Technology Overlay) and CA (General Business)/TO (Technology Overlay)

▶ **EXISTING LAND USE:** Vacant land and residential

▶ **PROPOSED USE:** Mixed uses

EXTENSION OF ZONE: Yes, extension of OB/TO (pending) to the south recommended for approval by MPC on April 11, 2013.

HISTORY OF ZONING: Property to the south was recommended for approval of OB/TO zoning by MPC on April 11, 2013 under this same file number. This portion of the property, now zoned BP/TO, was postponed until this May 9, 2013 meeting.

SURROUNDING LAND USE AND ZONING: North: Vacant land / OB (Office, Medical & Related Services) / TO (Technology Overlay) pending

South: Residential subdivision / PR (Planned Residential) / TO at 1-3 du/ac

East: House and vacant land / A (Agricultural) / TO

West: Residential subdivision / PR (Planned Residential) / TO at 1-3 du/ac

NEIGHBORHOOD CONTEXT: This area has been developed with commercial and residential uses under PC, A, PR and CA zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE PR (Planned Residential) / TO (Technology Overlay) zoning at a density of up to 8.5 du/ac, subject to 1 condition. (Applicant requested OB/TO)**

1. No clearing or grading of the site shall be permitted until a use on review development plan has been approved by MPC.

With the recommended condition, PR/TO zoning is consistent with the sector plan designation for the area and

will allow uses compatible with the surrounding land uses and zoning pattern. PR will allow residential development of the site, but will require the review of a development plan by MPC, which was requested by MPC at the March 14, 2013 meeting. It is necessary because of slope and access concerns, as well as to provide adequate buffering and an opportunity for comment from the representatives of the Harrison Springs Subdivision to the south. The recommended density of up to 8.5 du/ac is based on application of the residential density and land disturbance guidelines from the Knoxville Knox County Hillside and Ridgetop Protection Plan (HRPP). See attached slope analysis, slope map and excerpt from the HRPP.

COMMENTS:

This case is a carryover from the March 14, 2013 MPC agenda. MPC recommended approval of the requested OB/TO zoning for the remainder of the property to the north, but recommended postponement for the subject property, the portion of the overall site that is currently zoned BP/TO. As a result, this staff recommendation only pertains to the portion of the site that is currently zoned BP/TO.

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 area, which is southeast of the major interchange of Pellissippi Parkway and Hardin Valley Rd., along the future realigned Schaeffer Rd., is appropriately located for office and/or medium density residential development, as permitted under the requested OB/TO zoning.
2. The property is located within an area designated for medium density residential and office uses on the Northwest County Sector Plan, which are both specifically allowed in the requested OB zoning. The recommended PR zoning and density is also consistent with the sector plan proposal.
3. Portions of this site to the north have been significantly cleared and graded in preparation for development which has yet to occur. Approval of this request should lead to site improvements to stabilize the slopes on the site and eventually develop it.
4. OB zoning is compatible with the scale and intensity of the surrounding development and zoning pattern. However, at the request of MPC at the March 14, 2013 meeting, staff is recommending PR zoning on this portion of the site, so that a plan review by MPC will be guaranteed prior to any development within this portion of the site. 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 buffering, setbacks, 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. The requested OB zoning district is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The OB zoning district also allows residential development as permitted by the RB zoning district.
2. 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.
3. Based on the above descriptions and intents of OB and PR zoning, this property is appropriate to be rezoned to either.
4. Future development will be subject to review and approval of a site plan by the Tennessee Technology Corridor Development Authority (TTEDA), since it is located within the TO overlay. MPC would review a development plan for residential uses if the proposed density exceeds 12 du/ac. MPC would also review a plan for development within the PR zone.

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. Public water and sanitary sewer are available to serve the site.
2. The impact to the streets and school system will depend on the type of development proposed. The existing Hardin Valley Rd. and the future realigned Schaeffer Rd. are sufficient to handle additional traffic that would be generated.
3. This proposed amendment of the zoning map will not adversely affect any other part of the County. With the site plan approval required by MPC, the potential impact to adjacent properties should be minimized.
4. The property is characterized by some steep slopes. Care will need to be taken in developing the property to respect its physical characteristics. The site has undergone some disturbance and will need to be stabilized prior to development. It is expected that any proposed development will be clustered in the areas of the site with the least degree of slope, leaving the steepest slopes in their natural state.

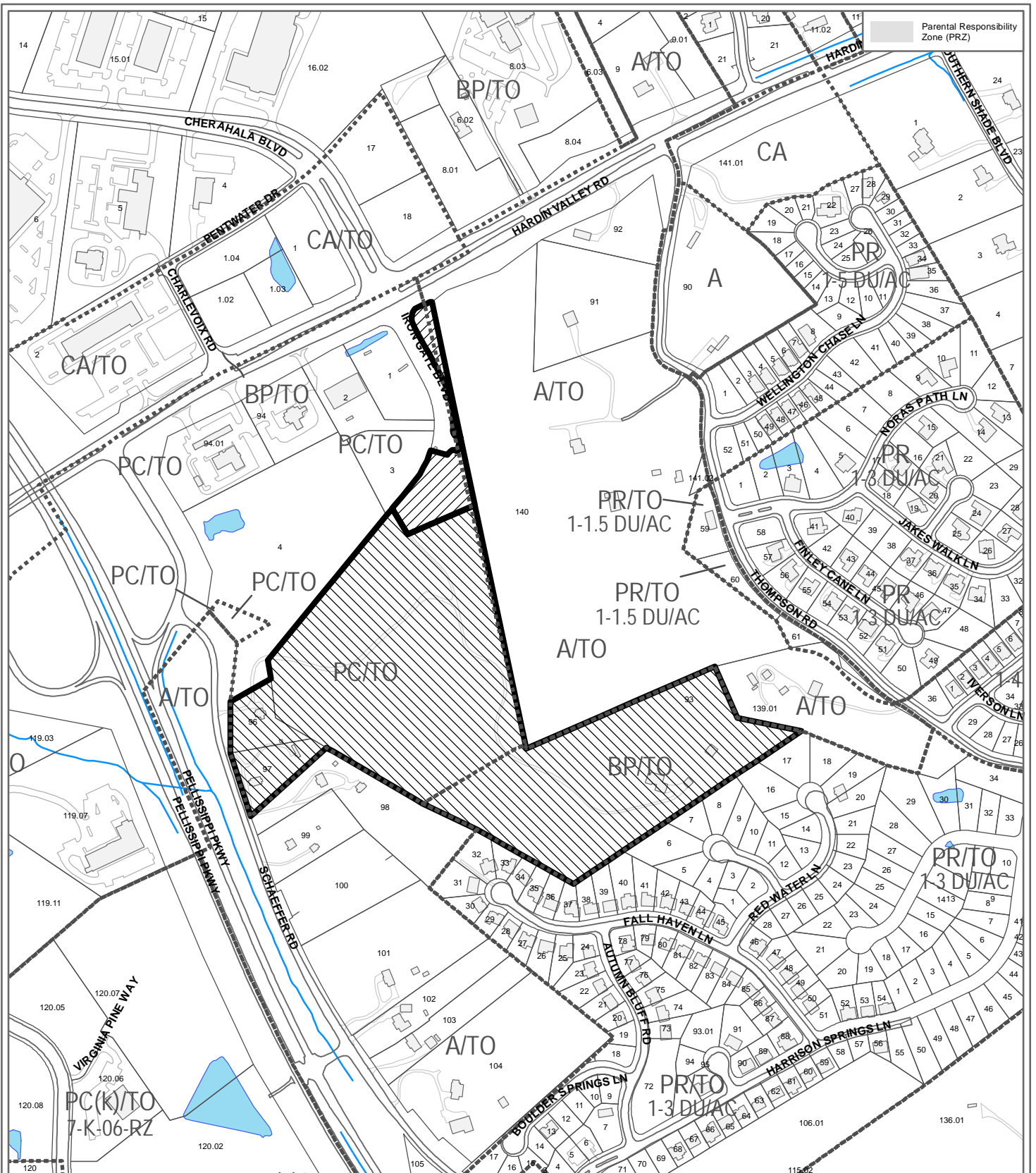
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Northwest County Sector Plan, as amended by the TTCDA Comprehensive Development Plan, designates this area for medium density residential and office uses, consistent with the recommended PR zoning and density or the proposed OB/TO zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Because of the property's location within the TO (Technology Overlay), the TTCDA needed to approve a Certificate of Appropriateness for this rezoning. This request was approved by TTCDA on Mon., March 11, 2013 (12-A-12-TOR). TTCDA recommended approval of OB/TO zoning for the entire site, as requested. Another application will be considered by TTCDA on May 6, 2013, to allow consideration of both OB and PR zoning for this property (5-B-13-TOR).

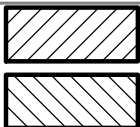
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 6/24/2013. 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 in the County.



**12-D-12-RZ
REZONING**



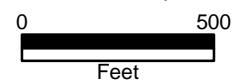
From: PC (Planned Commercial)/TO (Technology Overlay)
To: CA (General Business)/TO (Technology Overlay)

From: PC (Planned Commercial)/TO (Technology Overlay) and BP (Business And Technology)/TO (Technology Overlay)
To: OB (Office, Medical and Related Services)/TO (Technology Overlay)

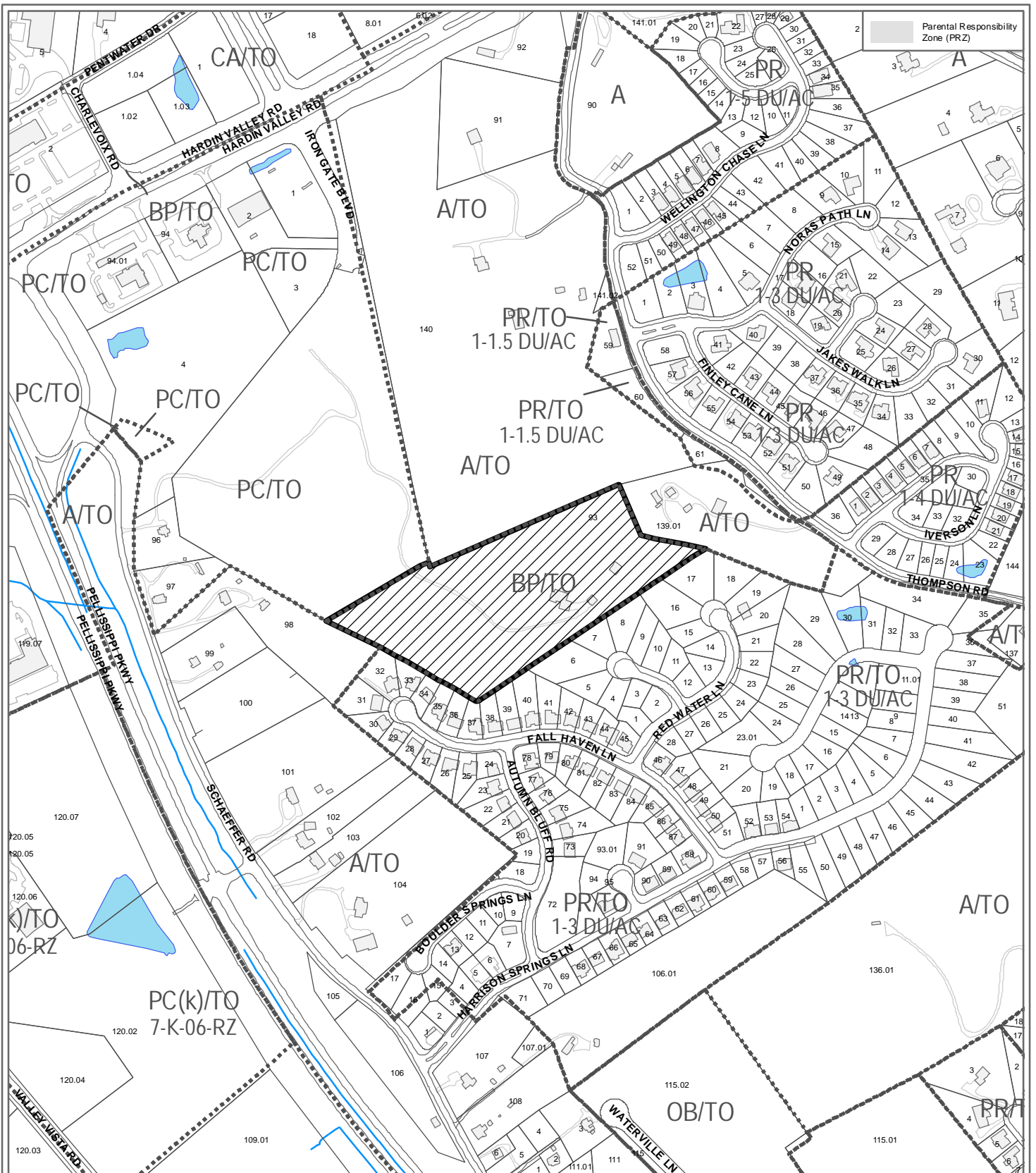
Petitioner: Garrett, Philip M.

Map No: 104

Jurisdiction: County



Original Print Date: 12/4/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**12-D-12-RZ
REZONING**

From: BP (Business and Technology)/TO (Technology Overlay)

To: OB (Office, Medical, and Related Services)/TO (Technology Overlay)



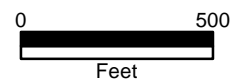
Original Print Date: 5/1/2013
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

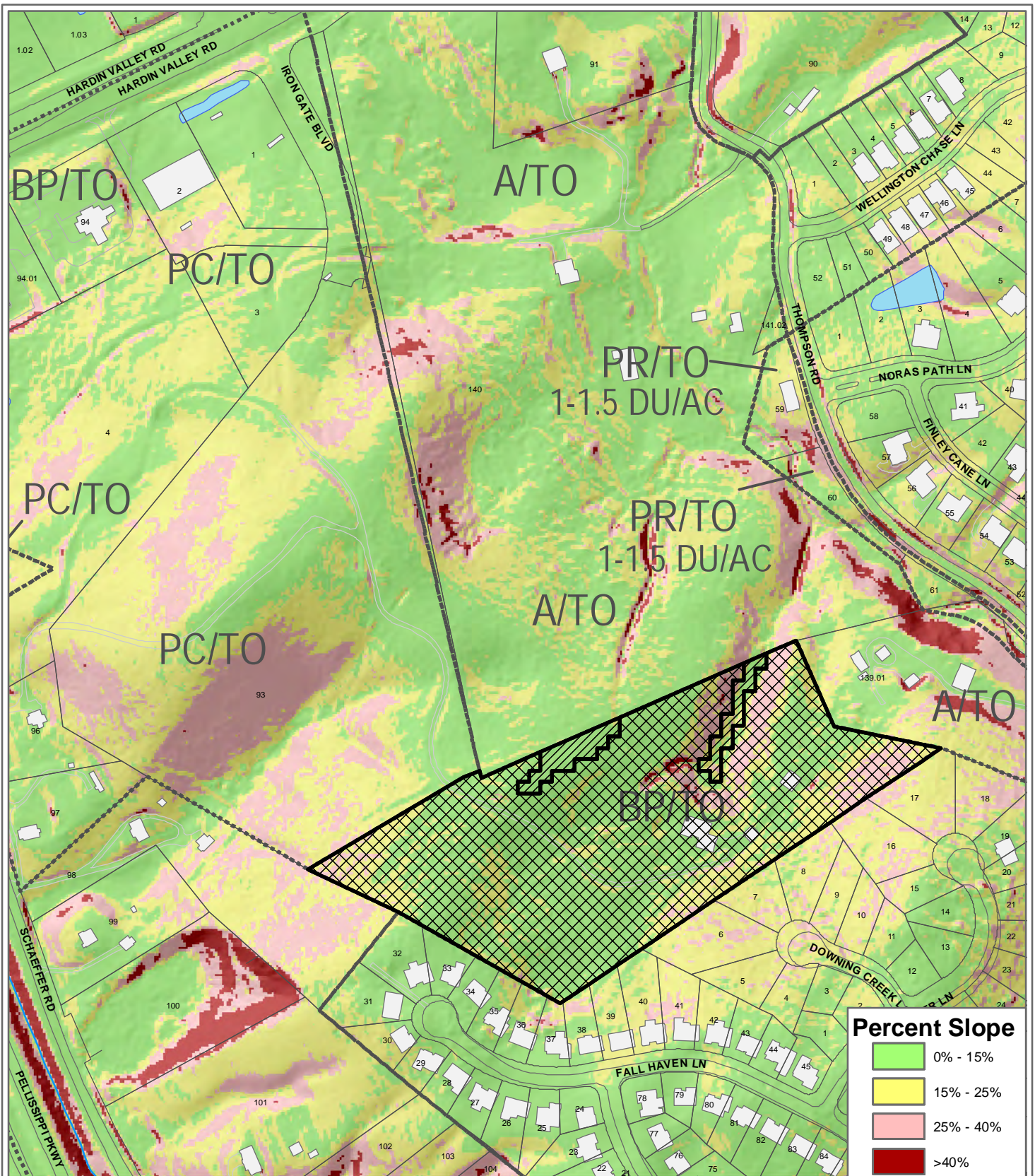
Revised:

Petitioner: Garrett, Philip M.

Map No: 104

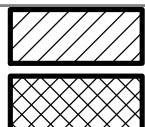
Jurisdiction: County





**12-D-12-RZ
REZONING - SLOPE ANALYSIS**

Petitioner: Garrett, Philip M.



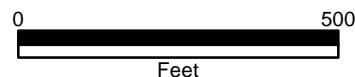
Outside of the Hillside and Ridgetop Protection Area
Inside the Hillside and Ridgetop Protection Area

From: BP (Business and Technology)/TO (Technology)
To: OB (Office, Medical & Related Services)/TO (Technology Overlay)

Original Print Date: 4/22/2013
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Map No: 104
Jurisdiction: County



12-D-12-RZ Slope Analysis

			Acreage
Non-Hillside Portions			0.5
Hillside and Ridgetop Protection Area			
Value	Percent Slope	Count	Acres
1	0%-15%	11729	6.73
2	15%-25%	4716	2.71
3	25%-40%	1981	1.14
4	>40%	99	0.06
			10.63
Ridgetop Area			0
Site Total			11.13

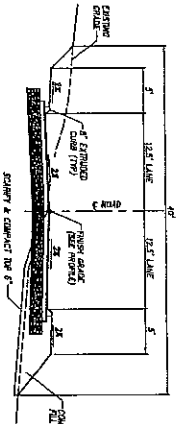
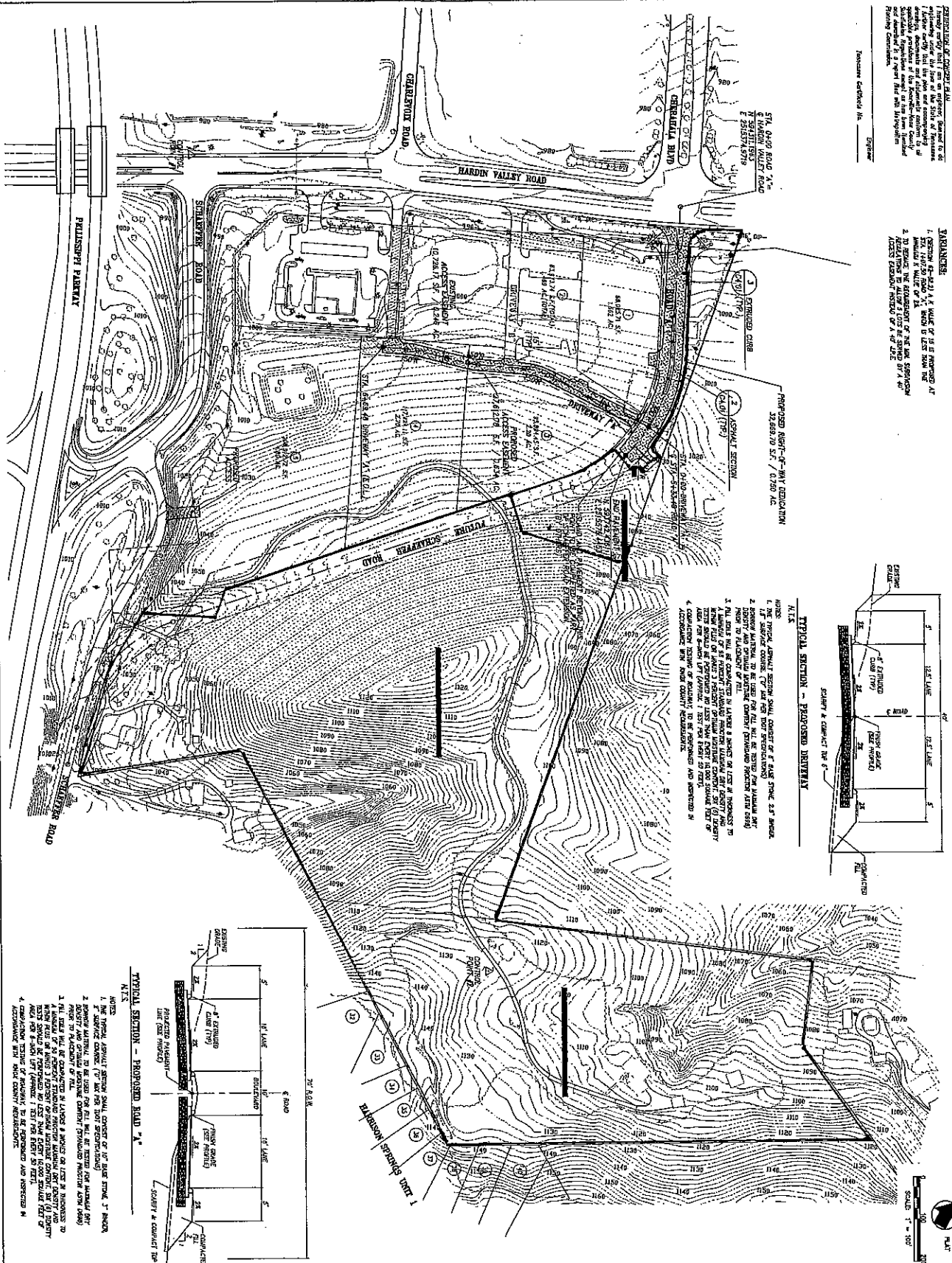
REVISIONS:

1. SECTION 24-22.1 A, WALL OF B IS REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.
2. TO REMOVE THE OBSTRUCTION OF THE NEW SECTION 24-22.1 A, WALL OF B IS REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.

NOTES:

1. THE TYPICAL SECTION SHALL BE REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.
2. TO REMOVE THE OBSTRUCTION OF THE NEW SECTION 24-22.1 A, WALL OF B IS REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.

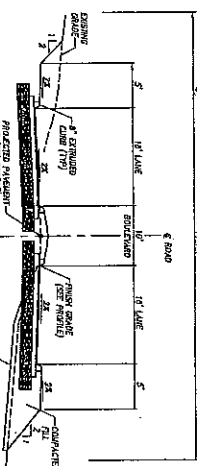
Proposed Section No. _____



TYPICAL SECTION - PROPOSED DRIVEWAY

NOTES:

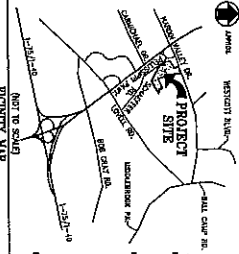
1. THE TYPICAL SECTION SHALL BE REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.
2. TO REMOVE THE OBSTRUCTION OF THE NEW SECTION 24-22.1 A, WALL OF B IS REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.



TYPICAL SECTION - PROPOSED ROAD

NOTES:

1. THE TYPICAL SECTION SHALL BE REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.
2. TO REMOVE THE OBSTRUCTION OF THE NEW SECTION 24-22.1 A, WALL OF B IS REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.



GENERAL NOTES:

1. THE TYPICAL SECTION SHALL BE REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.
2. TO REMOVE THE OBSTRUCTION OF THE NEW SECTION 24-22.1 A, WALL OF B IS REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.

LANDSCAPING:

1. ALL LANDSCAPING ACTIVITIES SHALL BE IN ACCORDANCE WITH THE CITY OF MEMPHIS LANDSCAPING REGULATIONS.
2. THE TYPICAL SECTION SHALL BE REWORKED AT 10' SPACING TO MATCH THE 10' SPACING OF THE OTHER WALLS.

CONCEPT PLAN

BLANK VALLEY COURT CENTER
BLANK COURT, TENNESSEE

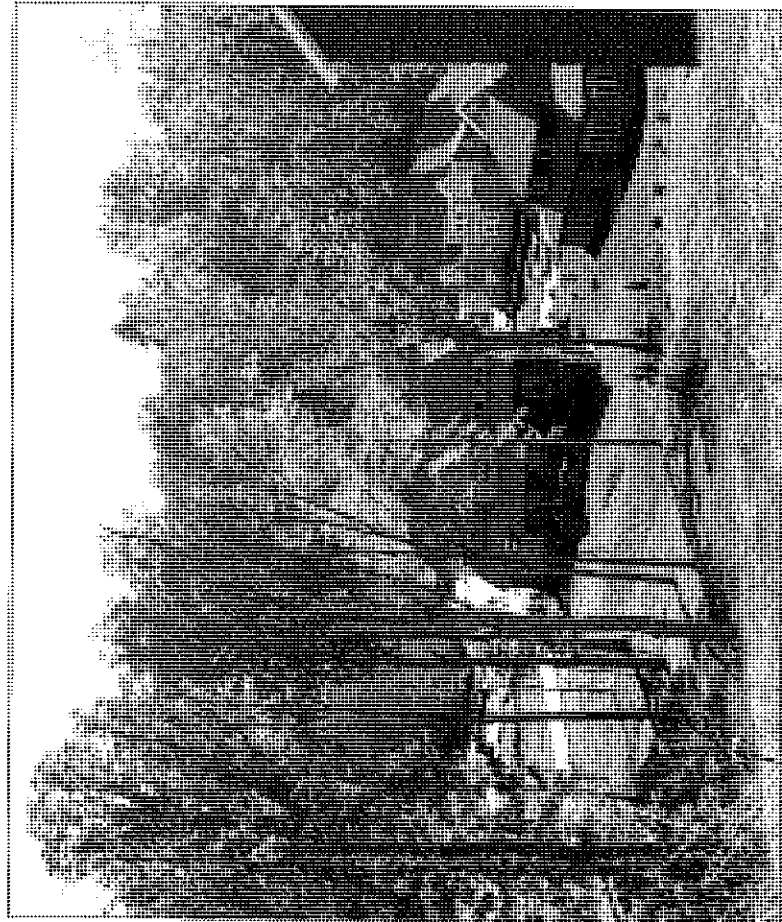
PRELIMINARY FOR SERVICE ONLY

C1.01

Zoning and Development Policies

Zoning is the foundation for land use control in Knoxville and Knox County. Over the last two decades, MPC, the city council and county commission have made rezoning decisions based on the capability of land to sustain certain intensities of development, recognizing that steep slope and flooding conditions pose limitations. The zoning codes contain limitations on the height of building, which is 35 feet in the zoning districts that are currently within the Hillside and Ridgetop Protection Area. No changes are recommended to the building height limitation on steep slopes and ridgetops.

The Growth Policy Plan, General Plan and sector plans contain policies regarding recommended residential densities relative to the degree of slope. The following represents a refinement of those policies recognizing that there are significant geologic hazards and engineering constraints to development on the steepest slopes.



An example of two dwelling units per acre in the 15 to 25 percent slope group

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

Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

dua: dwelling units per acre

* 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.

Transportation Improvements Plan

The Transportation Improvements Plan (see Map 4) provides an overview of the projects that are recommended in various adopted plans and those that have been identified during the process of updating the Comprehensive Development Plan. Prior to the implementation of some of these projects, there should be opportunities for additional public input to address issues related to adjacent land use, neighborhood protection, and environmental and historic resource preservation. It is vital to develop and maintain a transportation network that is accessible and provides mobility to all people who work, go to school or live within or near the corridor. To meet this goal this plan recommends the following guiding principles:

- Develop continuous road systems while curtailing direct, often unsafe access to Pellissippi Parkway.
- Create and maintain sidewalks, bike lanes, greenways and other facilities for alternative transportation.
- Maintain services for the elderly, disabled, and low-income residents. Promote programs provided by the East Tennessee Human Resources Agency, Community Action Committee and KAT.

Additionally, the following two principles should be considered in designing the road cross-sections and intersections of transportation projects.

• Context Sensitive Design:

This is a process that addresses the physical setting of a potential project and preserves scenic, aesthetic, historic, environmental and other resources, while maintaining mobility and safety. This facility planning should revolve around a collaborative, interdisciplinary approach that incorporates the desires and concerns of all in the area. The planning for State Route 475 has an element addressing context sensitive design.

• Complete Streets:

Any road projects, public or private, should adhere to the principle of creating Complete Streets. Complete Streets are designed to enable safe access for all users. Pedestrians, bicyclists, motorists and transit riders of all ages and abilities must be able to safely move along and across a Complete Street. The pedestrian and bicycle facilities depicted in the Transportation and Community Facility Plans are priorities in establishing a Complete Streets program.

Some considerations for more detailed road designs are outlined below.

Recommended Improvements

To facilitate an improved transportation network, the following projects are needed. They are designated as being A, B or C projects, according to priority:

- A. These projects should be programmed as capital improvements, 2010-2015. They are envisioned as immediate necessities in view of economic development, and in the case of access control, as measures to avoid accidents along the parkway.
- A1 Extend Cherahala Boulevard to Coward Mill Road and northward to Horseshoe Bend Business Park.
 - A2 Extend Valley Vista Road to create a connection between Hardin Valley Road and Lovell Road.
 - A3 Realign Schaeffer Road so that the northern terminus aligns with Cherahala Boulevard at Hardin Valley Road.
 - A4 Realign Solway Road so that the southern terminus aligns with Valley Vista Road.
 - A5 Develop a new road that connects with the Parkway Heights Condominiums to Dutchtown Road or, alternatively to Bob Gray Road.
- B. B List projects are recommended in conjunction with State Route 475 construction. Should a decision be made in the future to abandon the State Route 475 project, the following projects should be programmed as "A List projects."
- B1 Extend George Light Road over the Pellissippi Parkway.
 - B2 Develop a new road on the north side of State Route 475, east of Pellissippi Parkway, connecting George Light Road with Oak Ridge Highway including improvements to Rather Road and a connection to Emory Road.
 - B3 Extend Coward Mill Road to Solway Road by means of an overpass over the Pellissippi Parkway.
 - B4 Extend Carmichael Road to Schaeffer Road by means of an overpass over the Pellissippi Parkway.

Map 4: Transportation Improvements Plan

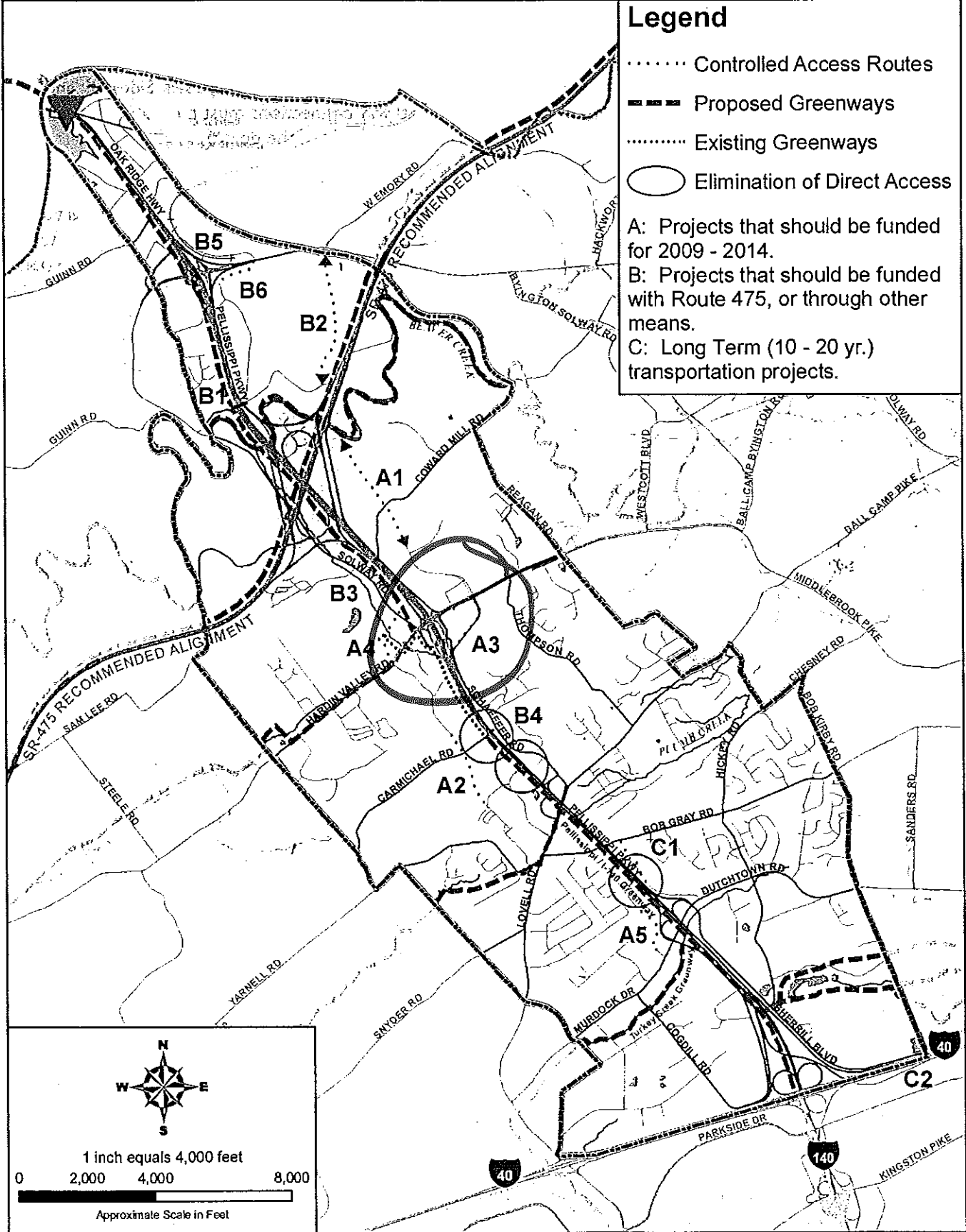
Legend

- Controlled Access Routes
- Proposed Greenways
- Existing Greenways
- Elimination of Direct Access

A: Projects that should be funded for 2009 - 2014.

B: Projects that should be funded with Route 475, or through other means.

C: Long Term (10 - 20 yr.) transportation projects.



1 inch equals 4,000 feet

0 2,000 4,000 8,000

Approximate Scale in Feet



Pellissippi. The Clinch River is crossed by the northern end of the project. Also, Beaver Creek, located between Coward Mill and Guinn Road is listed as a 303(d) impaired stream in need of more stringent water pollution controls. Potential impacts to these resources will be considered throughout the development of the project.

8.2.2 Impacts to the Social, Built and Cultural Environment

Studies will be done to determine if there are impacts to the social environment pursuant to Executive Order 12898 (Environmental Justice). Relocation impacts will also be identified and considered (e.g. residential and business displacements).

Historic and archeological studies will be done pursuant to Section 106 of the National Historic Preservation Act and TDOT's scopes of work for archeological and historical studies. These studies will determine if there are any sites or properties in the project impact area that are eligible for or listed in the National Register of Historic Places (NRHP). If any such sites are identified, the project will be coordinated with the Tennessee State Historic Preservation Office.

Studies will also be done to identify and determine impacts to parks, parklands, natural areas and wildlife refuges. Known recreational resources adjacent to the Parkway include a greenway with a paved walking/bike trail on the southwest side of the Parkway, which extends from Pellissippi State Community College to Carmichael Road. In addition, several greenways are planned along the entire length of the project. These locations are illustrated in Figure 6. These greenways will most likely qualify as section 4(f) resources. In order to impact these resources the TDOT will have to show that there are no reasonable and prudent alternatives, which is a very stringent standard to meet. Also, impacts to farmland or farmable land will be assessed in accordance with 7 CFR Part 658 of the National Farmland Protection Policy Act. Impacts to such lands will be coordinated with the National Resources Conservation Service (NRCS).

An environmental screening will be conducted for any potential hazardous material sites. A Phase 1 Environmental Assessment will be prepared to identify hazardous materials that would be within the right-of-way of proposed alternatives. In the event that hazardous materials are encountered within the proposed right-of-way of the selected alternative, their disposition shall be subject to the applicable sections of the *Federal Resource Conservation and Recovery Act*, the *Comprehensive Environmental Response, Compensation and Liability Act*, and the *Tennessee Hazardous Waste Management Act of 1983*.

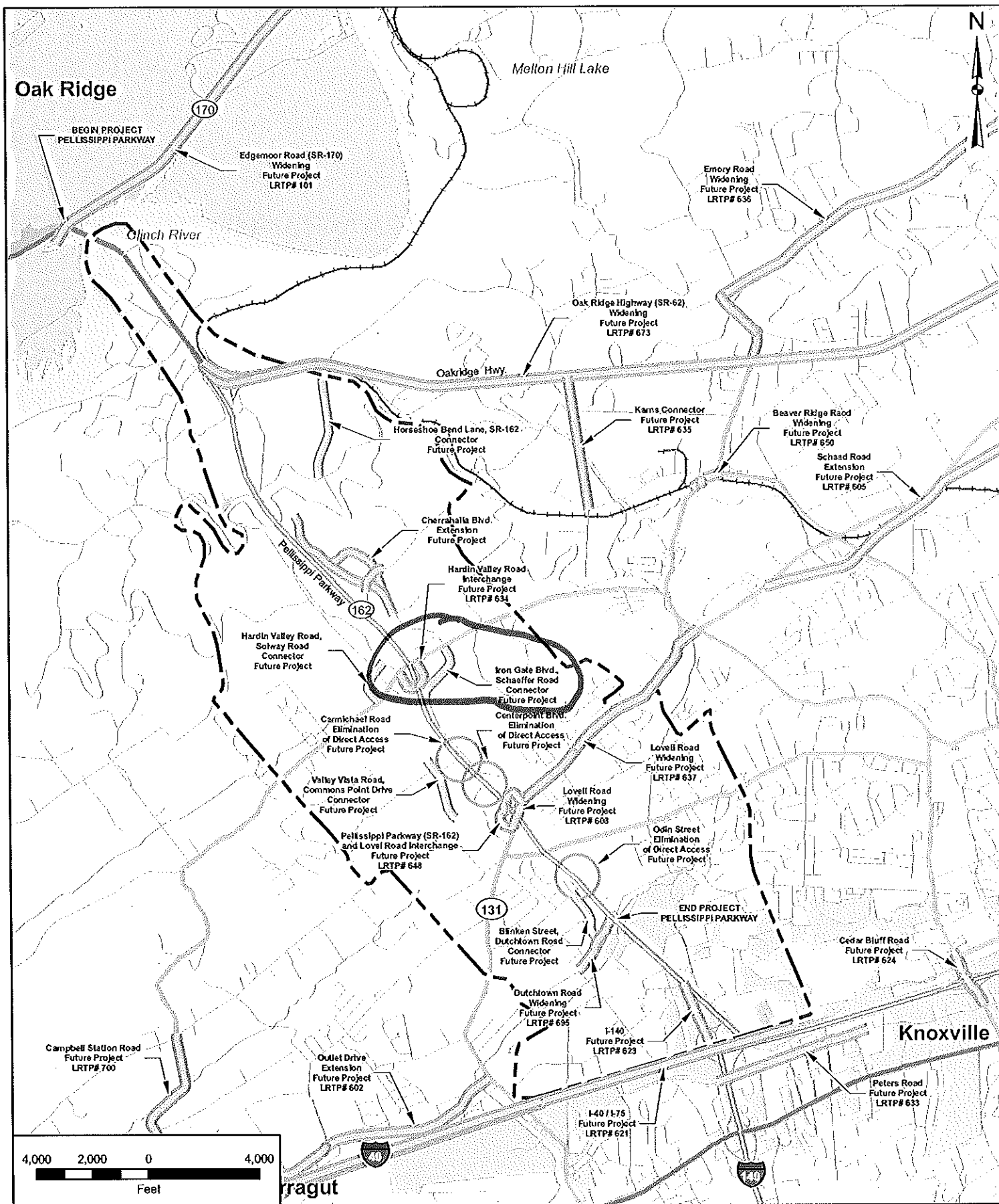
8.3 Other Planned Projects

In considering the need for the proposed project, and the level of improvements needed, other planned projects adjacent to, or connecting to Pellissippi Parkway should be noted in order to determine whether these other projects will lead to improvements along the Parkway independent of the proposed project. Planned projects along Pellissippi Parkway are illustrated in Figure 7 and listed in Table 4:

Table 4. Other Planned Projects

Plan Identifier	Route/Location	Type of Improvement	Proposed Horizon Year
Interchange Improvements			
L RTP Project #634	Pellissippi Parkway (SR-162)/Hardin Valley Road Interchange	Reconfigure existing interchange to improve safety and operations	2024
L RTP Project # 649	Pellissippi Parkway (SR-162)/Oak Ridge Highway (SR-62) Interchange	Reconfigure existing interchange to improve safety and operations	2024
L RTP Project # 648	Pellissippi Parkway (SR-162)/Lovell Road Interchange	Reconfigure existing interchange to improve safety and operations	2024
Roadway Connector Projects			
TTCDA, 2008 Plan	Blinken Street Dutchtown Road Connector	Connects Parkway Heights condominiums to Dutchtown Road	2010-2015
TTCDA, 2008 Plan	Valley Vista Road , Commons Point Drive Connector	Extend Valley Vista Road to create a connection between Hardin Valley Road and Lovell Road	2010-2015
TTCDA, 2008 Plan	Iron Gate Boulevard, Schaffer Road Connector	Realign Schaeffer Road so that the northern terminus aligns with Cherahala Boulevard at Hardin Valley Road	2010-2015
TTCDA, 2008 Plan	Hardin Valley Road, Solway Road Connector	Realign Solway Road so that its southern terminus aligns with Valley Vista Road	2010-2015
TTCDA, 2008 Plan	Cherahala Boulevard Extension Future Project	Extend Cherahala Boulevard to Coward Mill Road and northward to Horseshoe Bend Business Park	2010-2015
Road Widening Projects			
L RTP Project # 695	Dutchtown Road Widening	Murdock Road to East of Pellissippi Parkway southbound ramps	2014
L RTP Project # 637	Lovell Road Widening	Shaeffer Road to Middlebrook Pike (SR-169)	2024
L RTP Project # 673	Oak Ridge Highway Widening	Byington-Beaver Ridge Rd (SR-131) to Pellissippi Parkway	2034





OTHER PLANNED PROJECTS

FIGURE

7



The Hardin Valley Road and Lovell Road interchange projects are intended to improve the safety and functioning of the interchanges. This could improve LOS along the Parkway by eliminating or reducing traffic delays from vehicles entering and exiting the Parkway. The amount of LOS improvement will be dependent on the type and effectiveness of the interchange design. In addition, although these projects will improve access to the Parkway from the interchange due to improved design, they will not remedy the direct access issues caused by other at grade roadways and driveways accessing the Parkway.

The Oak Ridge Highway interchange project also will improve access from the interchange onto the Parkway and could also potentially improve the overall LOS of the Parkway. However, this project has the potential to address an additional issue identified by the project stakeholders in the February stakeholder meeting: lack of an interchange ramp which allows motorists from Oak Ridge Highway to travel south on Pellissippi Parkway. The current interchange configuration encourages u-turns by motorists entering Pellissippi Parkway from Oak Ridge Highway. An effective new design of this interchange allowing a southern ramp to Pellissippi Parkway could eliminate these dangerous u-turns.

The connector projects mentioned in Table 4 (Valley Vista Road, Commons Point Drive Connector and the Blinken Street, Dutchtown Road Connector) could further improve the functioning of Pellissippi Parkway and at least partially address some of the concerns identified at the Stakeholder Meeting related to direct access. As stated previously, roadways with direct access to the Parkway (such as Carmichael Road and Centerpointe Boulevard) introduce additional vehicles into free flowing traffic, and allow vehicles to cross the Parkway in an attempt to make dangerous turns. The Valley Vista Road, Commons Point Drive Connector and the Blinken Street, Dutchtown Road Connector would allow the elimination of direct access at Odin Street, Centerpointe Boulevard and Carmichael Road.

The Horseshoe Bend Lane Connector, the Cherahalla Boulevard Extension Project and the Hardin Valley Road Solway Connector Project should increase mobility around the Parkway but will likely not have a direct impact on LOS or access issues along the Parkway. The widening projects mentioned above will also allow for greater mobility within the area but also will not have a direct impact on the Parkway's LOS or access issues.

8.4 Addresses Issues Identified and Has Agency Input and Local Support

The project will be coordinated with local, state, regional, and federal government agencies. Coordination will also occur through the Tennessee Environmental Streamlining (TESA) process and through TDOT's Initial Coordination process, in accordance with the procedures outlined in the Tennessee Environmental Procedures Manual.

Results from the four TESA concurrence points will be compiled and used in the evaluation of each alternative. Expected outcomes of this coordination include the confirmation of the purpose and need, environmental issues, permits that may be required, notification of other



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

Fwd: Hardin Valley - 12-D-12-RZ

1 message

Michael Brusseau <mike.brusseau@knoxmpc.org>

Fri, Dec 7, 2012 at 10:02 AM

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

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

From: **Grant Berry** <elcid95q@gmail.com>

Date: Thu, Dec 6, 2012 at 5:50 PM

Subject: Hardin Valley - 12-D-12-RZ

To: rebeccalongmire@hotmail.com, herb@claibornehauling.com, bartcarey@comcast.net, artclancy3@gmail.com, cole5137@bellsouth.net, gewart@georgeewart.com, lenedna@bellsouth.net, makane1@bellsouth.net, Nathan.J.Kelly@gmail.com, cflomax@hotmail.com, brianpierce@mbiarch.com, jwroth@qmwkx.com, wstowers@stowerscat.com, jtocher.mpc@gmail.com

Cc: mike.brusseau@knoxmpc.org, mark.donaldson@knoxmpc.org, brad.anders@knoxcounty.org

MPC Commissioners

In regards to 12-D-12-RZ , I would like to voice my opposition to the request to rezone the current BP/TO to a OB/TO zone.

I believe that it would be irresponsible with the surrounding properties, to make this zone change. The primary incompatibilities are in regards to the building setbacks. The current BP zone provides a 50ft setback against residential zones. The proposed OB zone provides for only a 20ft setback adjacent to existing residential zone. Regardless of the proposed use of this development, the reduction in setback, particularly as it applies to the existing PR of the Harrison Springs subdivision would incompatible.

The primary apparent use that is allowed within the requested OB zone that is not allowed within the current BP zone is residential uses. These residential uses could include multi-family. Due to potential development and the existing slopes and other environmental concerns associated with this property, any residential development on this property should be zoned to a PR zone to allow for an appropriately vetted Development Plan by MPC.

This property had a zoning request about 4 years ago (11-B-08/11-F-08), which included a requested PR zone for a proposed apartment complex. Due to the slope restrictions, and "Do Not Disturb" areas that were placed on the recommendations due to the slopes, this request was tabled and withdrawn. I believe that this request is simply an attempt to do a similar development while avoiding the MPC staff, and Commission Development Plan approval process.

At this time, with no submitted plan proposal, and no future public hearing process for plan review, this request for zone change to the OB/TO should be denied. If a rezoning is approved

on this property it would be prudent to include conditions of the rezoning. The conditions should include a minimum peripheral setback of 50 feet adjacent to existing residential zones, as well as Development Plan approval requirement.

Grant Berry
2006 Downing Creek Lane
Knoxville, TN 37932

--

Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
400 Main St.
Knoxville, TN 37902
Phone: (865) 215-2500
Fax: (865) 215-2068
www.knoxmpc.org

The following is information provided by Mr. Nick McBride as it relates to TTCDA File # 12-A-12-TOR (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.







Inspection: Environmental Inspection 1840

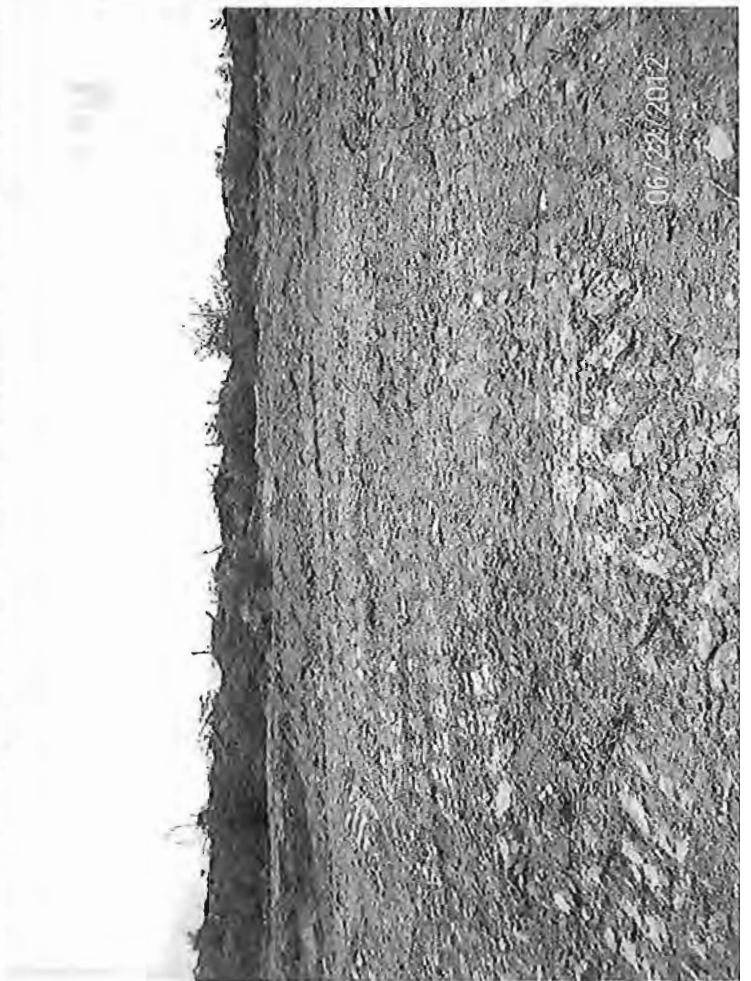
Status: CLOSED Priority: High
 Inspector: KECK, DEREK Date Inspected: 6/22/2012 8:46:13 AM
 Location: 2122 Schaeffer Road
 Notes: Top soil has been striped throughout the project and grading is underway. Fill material has been placed on the south side of the project that is not shown in the grading plan.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

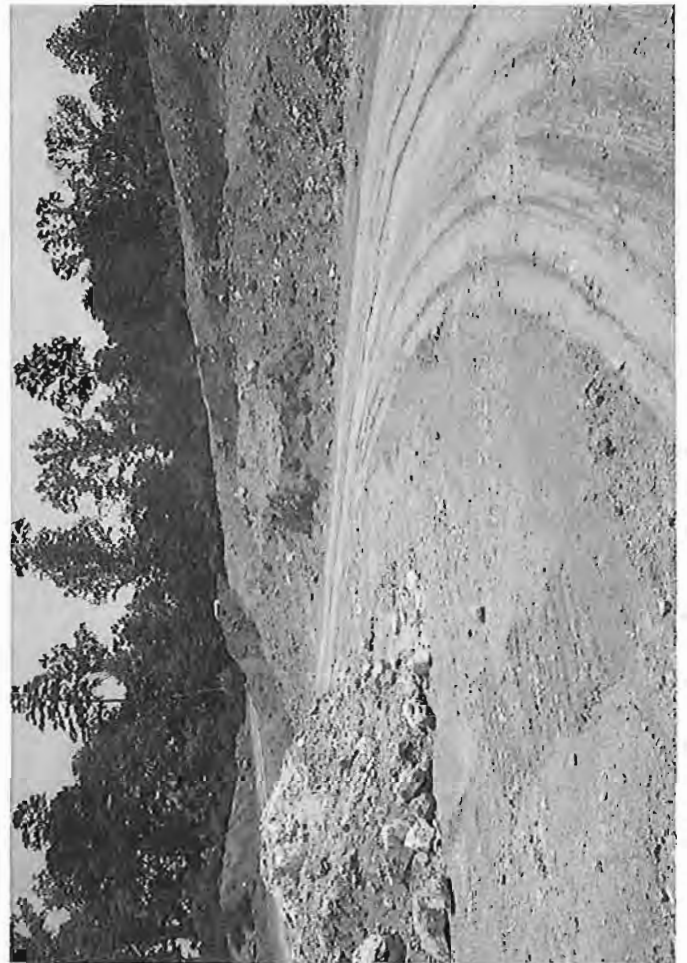


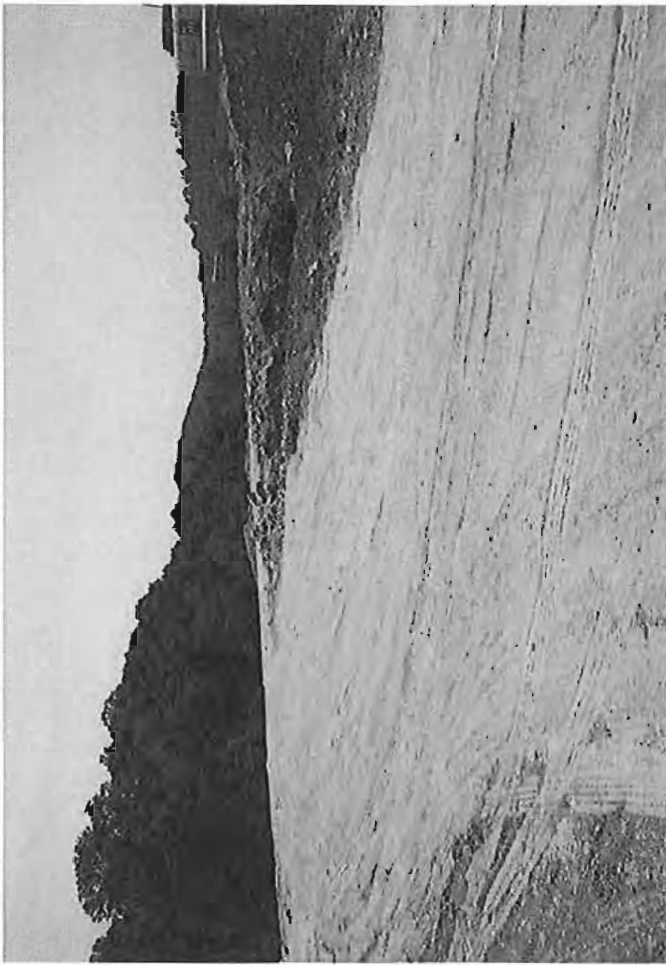
Given the facts presented, Knox County is issuing you this Notice of Violation to make you aware of deficiencies at your site in the above listed areas. **In addition to this NOV, you are being assessed a Civil Penalty totaling \$500.** Please be aware that all Knox County inspections and permitting 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.

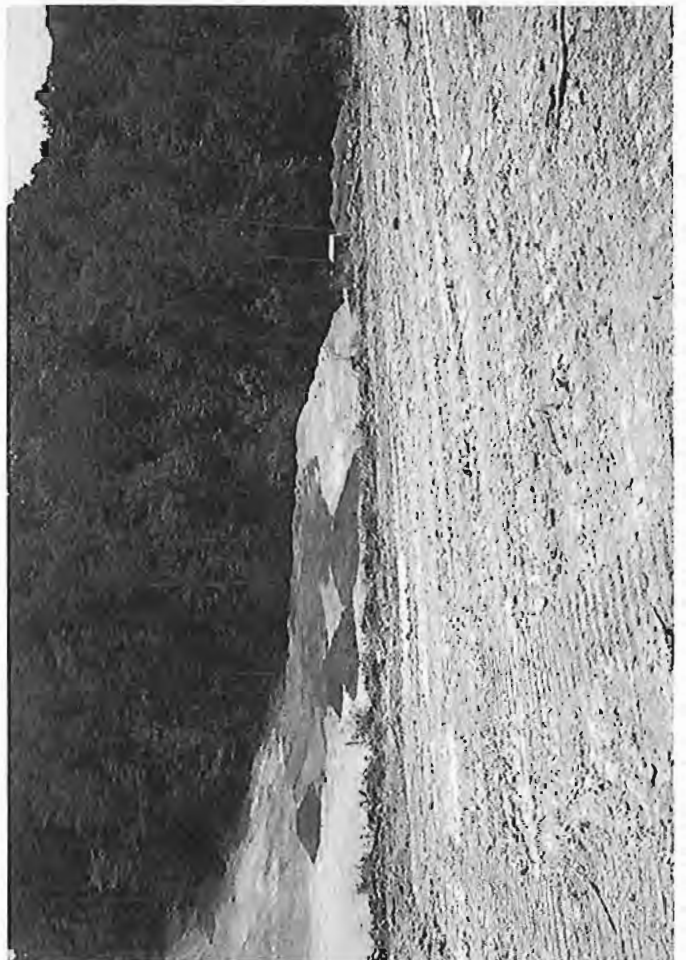
I look forward to a timely resolution to this situation. If you have questions regarding this letter, please feel free to contact me at 865-215-5840. You may also contact the Knox County personnel that conducted the site inspection. Derek Keck may be reached at 865-215-5829 or derek.keck@knoxcounty.org

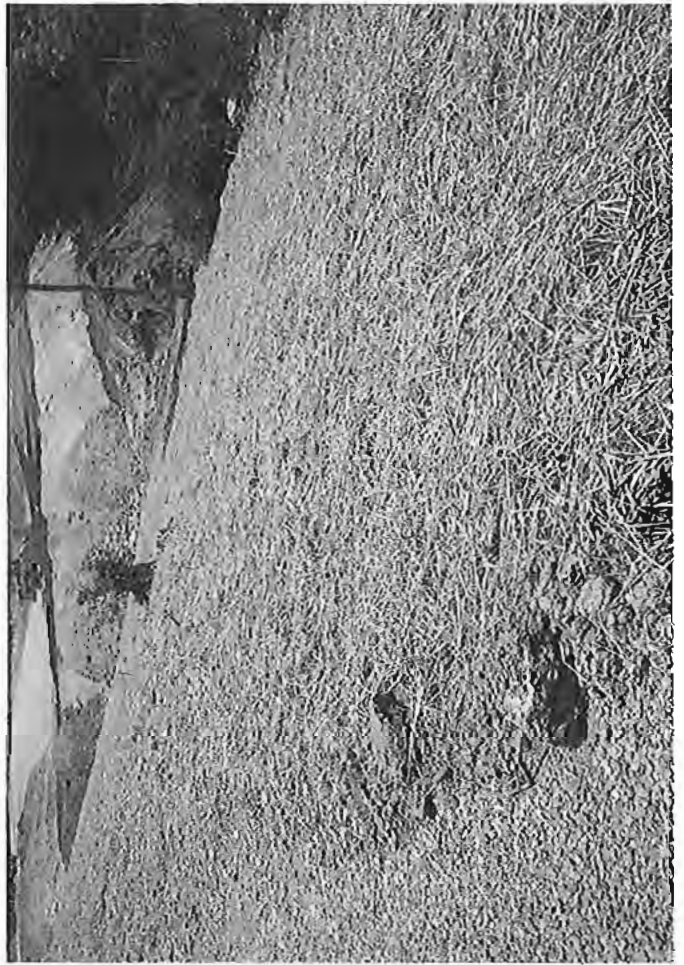
Sincerely,

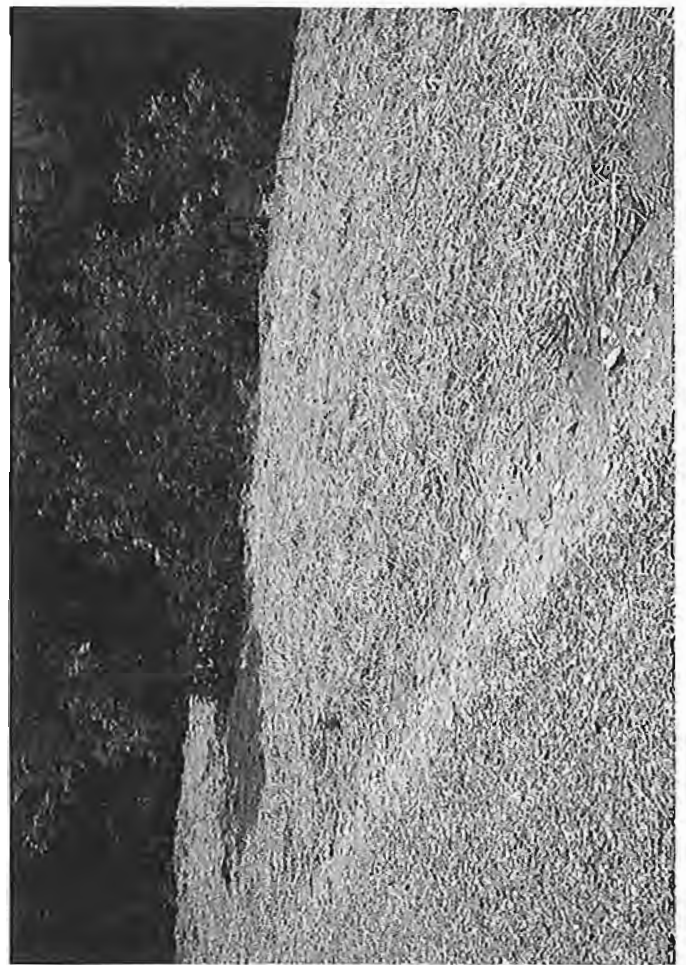
Christopher Granju, P.E.
Stormwater Management Coordinator
Knox County

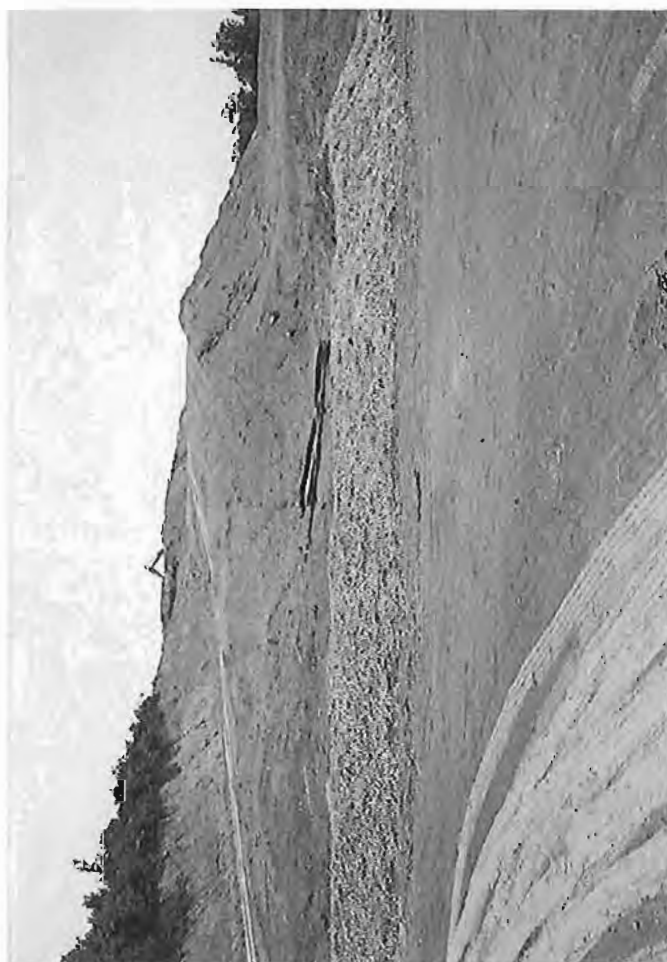












Inspection: Environmental Inspection 1770

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.

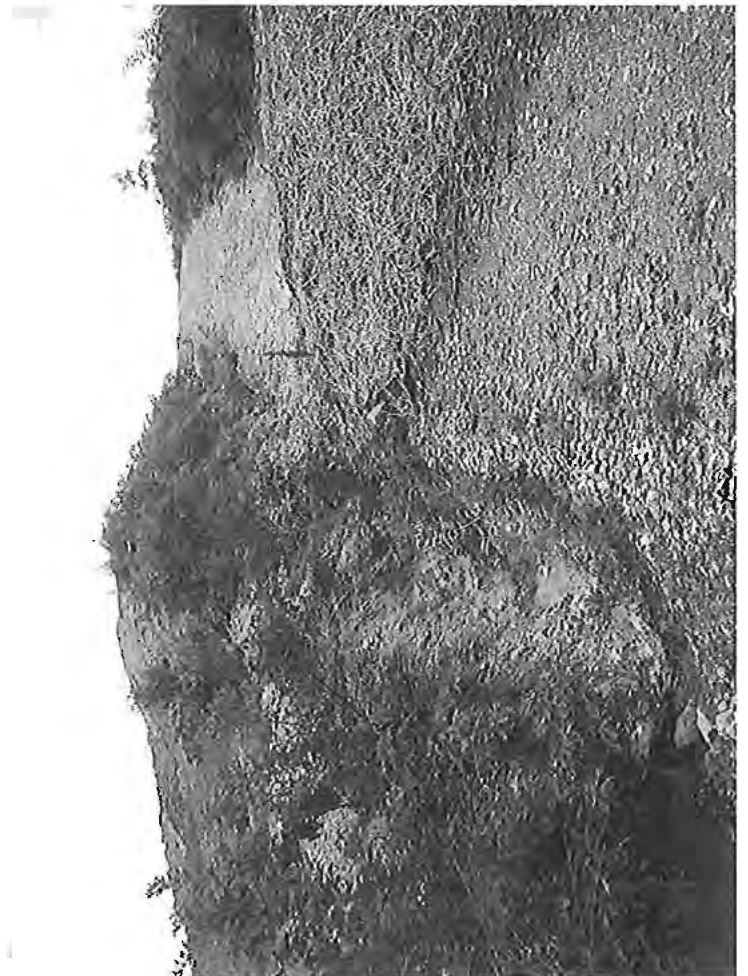
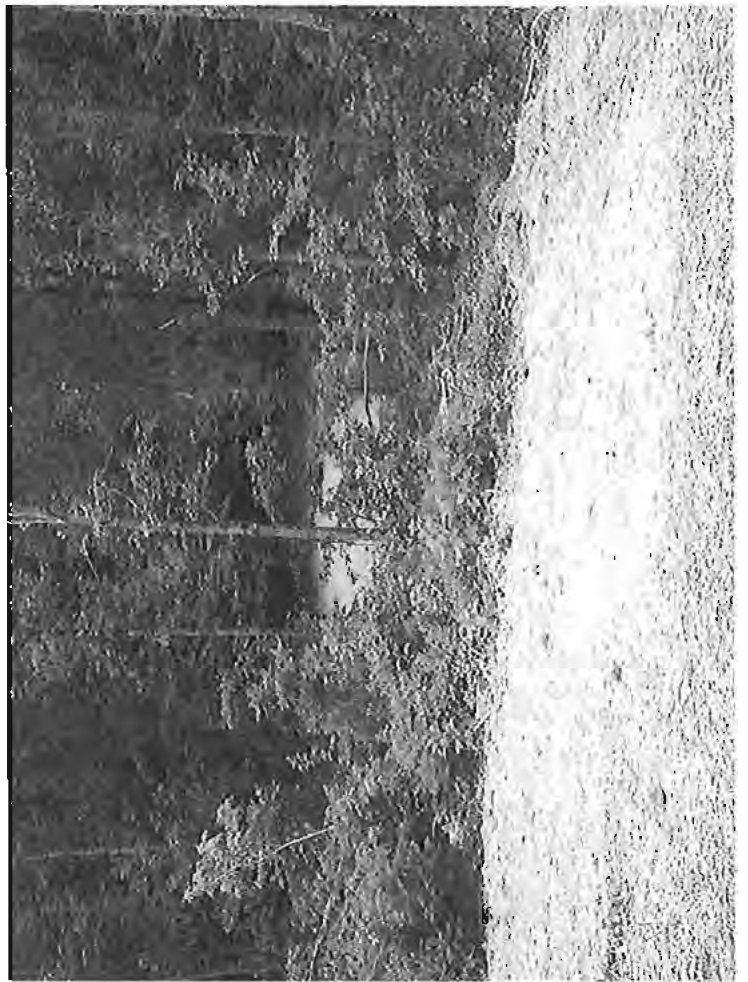
Given the facts presented, Knox County is issuing you this Notice of Violation to make you aware of deficiencies at your site in the above listed areas. Please be advised that further penalties may result for each additional day of noncompliance in reference to each of the violations listed above. Under 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

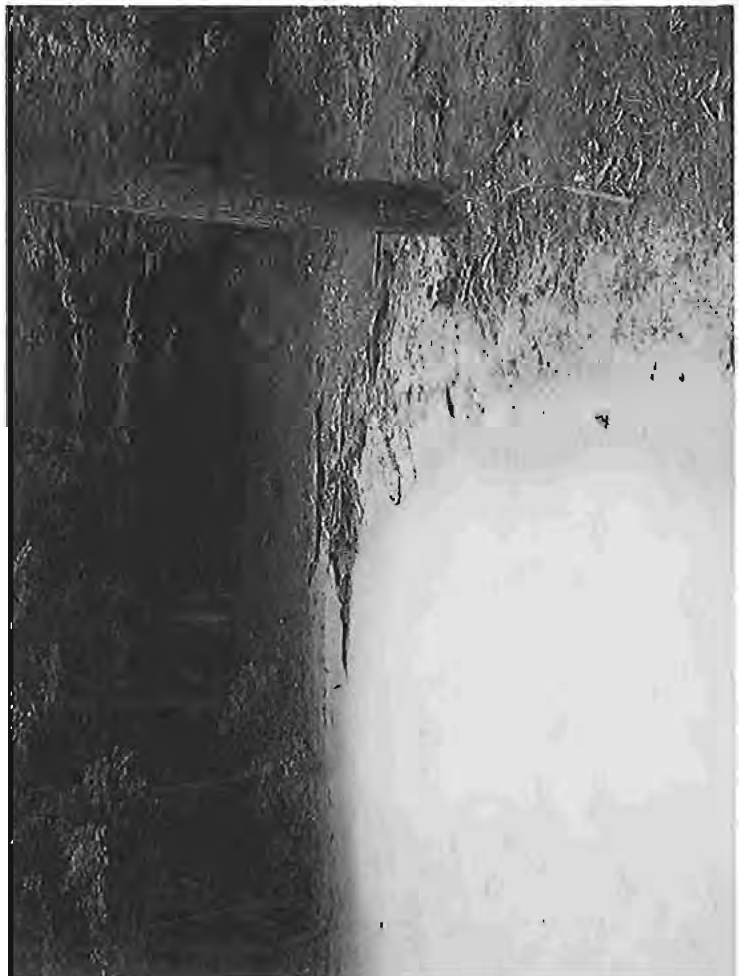
Sincerely,

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













MPC May 9, 2013

Agenda Item # 24



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:	



MPC May 9, 2013



Agenda Item # 24



Current Aerial Photo on KGIS

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37772 - www.kgis.org

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

Disclaimer: KGIS makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



March 7, 2013



MPC May 9, 2013

Agenda Item # 24



March 7, 2013



MPC May 9, 2013

Agenda Item # 24



Fwd: Proposed Apartment Complex

1 message

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

MARK DONALDSON
MPC Executive Director
Suite 403 • City County Building
400 Main Street; Knoxville, TN 37902

March 8, 2013

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.







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
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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
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35972	Sediment retained on site	YES
35973	Buffer zone maintained (if applicable)	YES
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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

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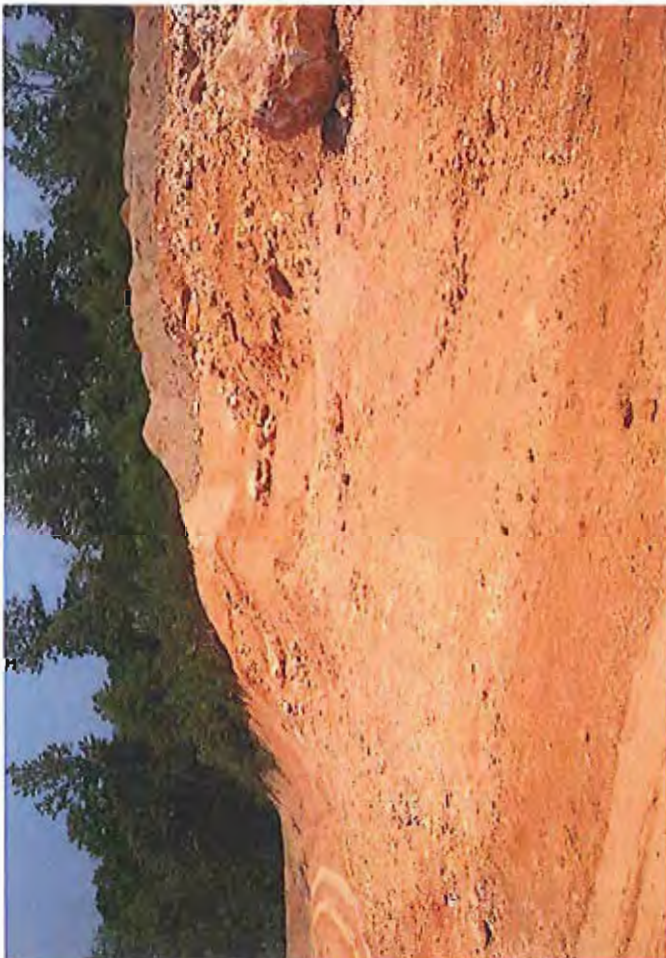
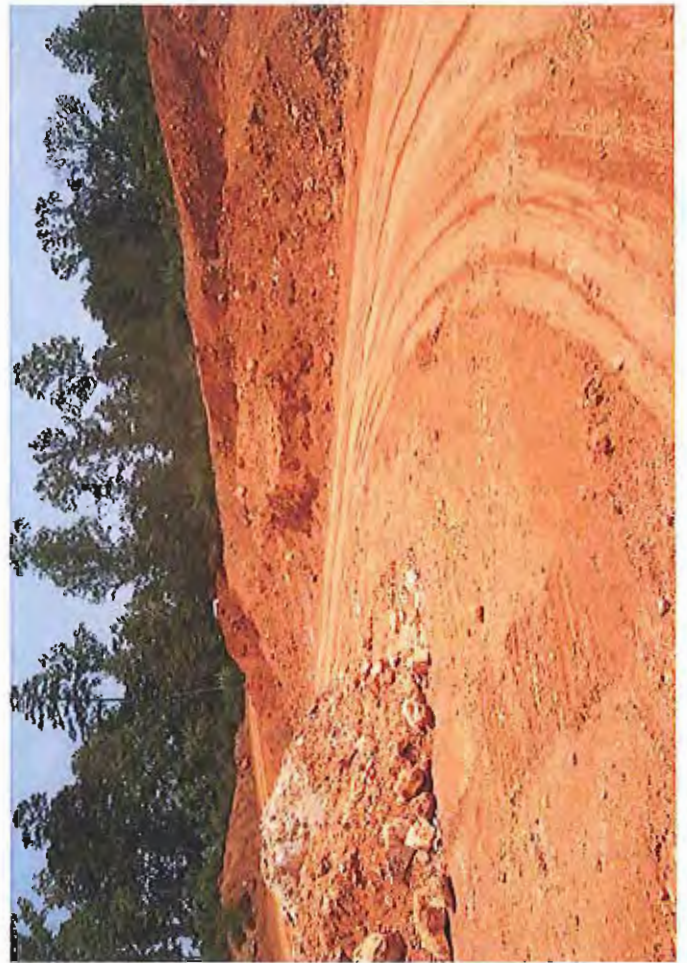


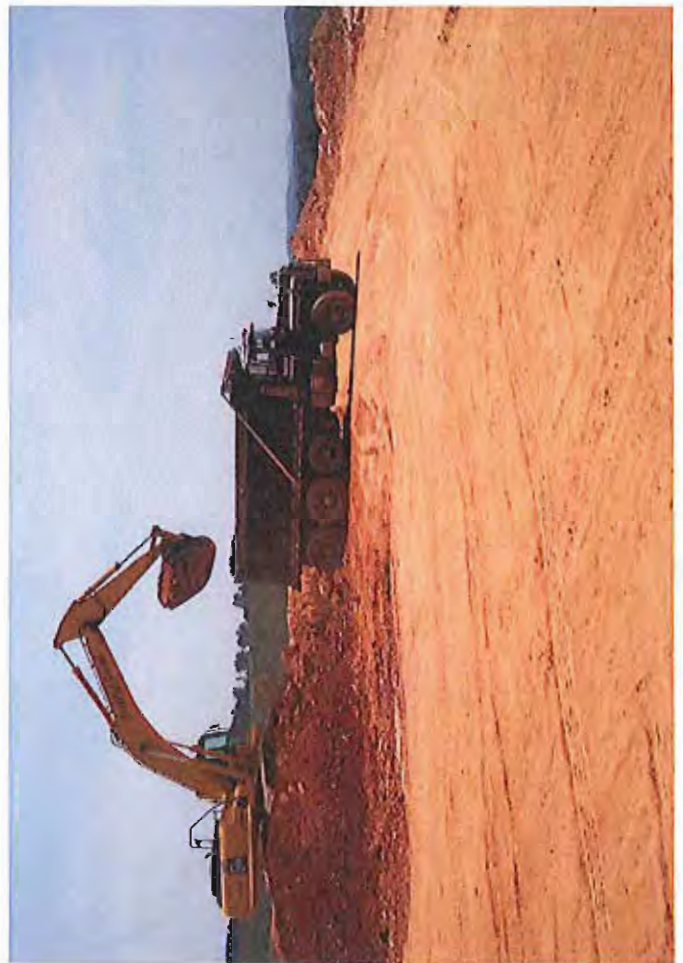
Given the facts presented, Knox County is issuing you this Notice of Violation to make you aware of deficiencies at your site in the above listed areas. **In addition to this NOV, you are being assessed a Civil Penalty totaling \$500.** Please be aware that all Knox County inspections and permitting 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

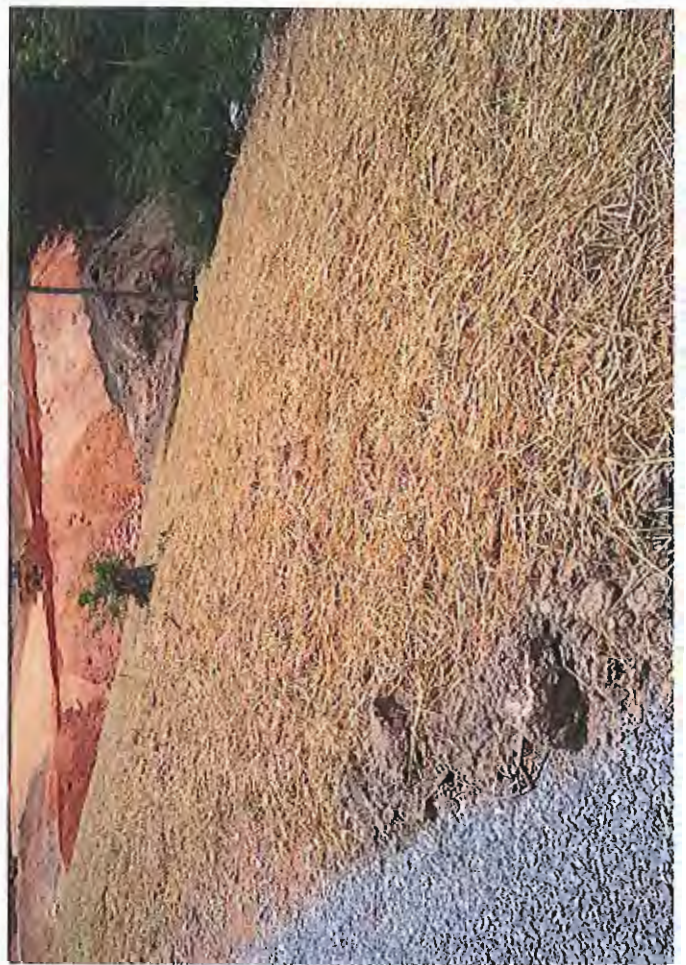
Sincerely,

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

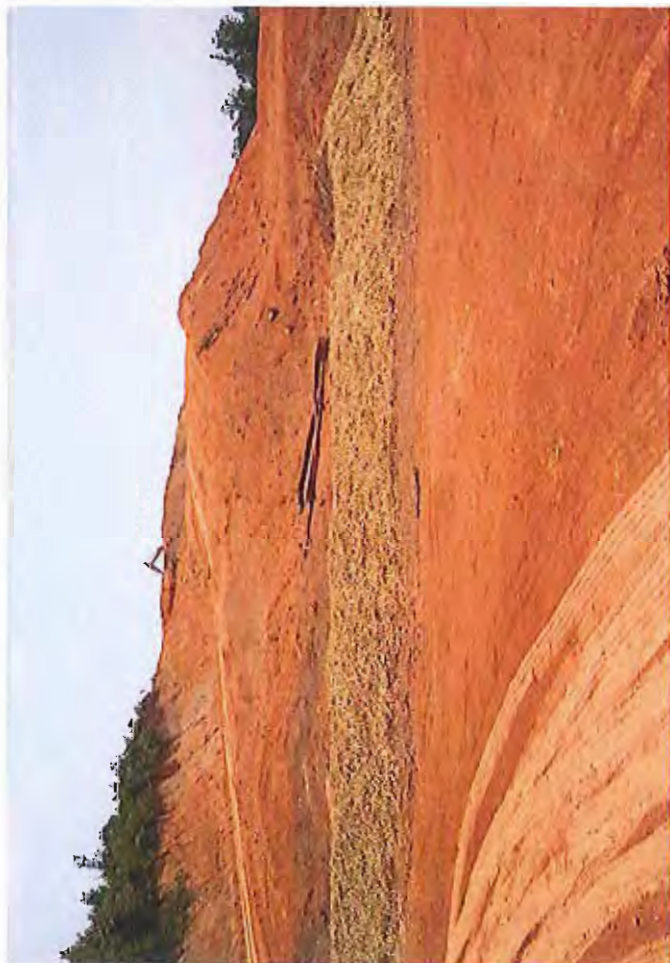
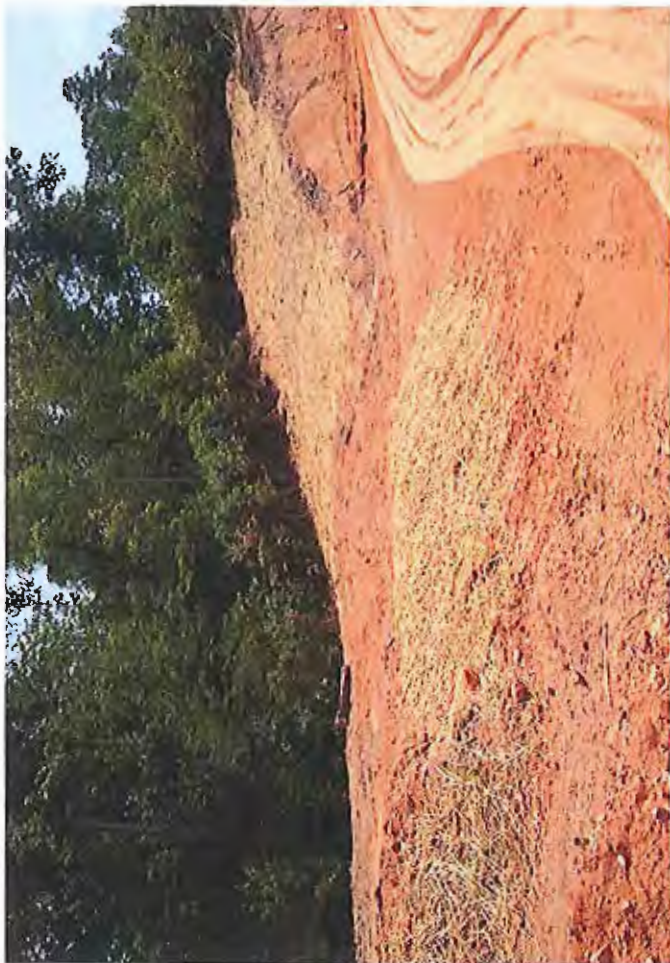












Inspection: Environmental Inspection 1770

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.

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. 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

Sincerely,

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













MPC May 9, 2013

Agenda Item # 24



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:	



MPC May 9, 2013



Agenda Item # 24

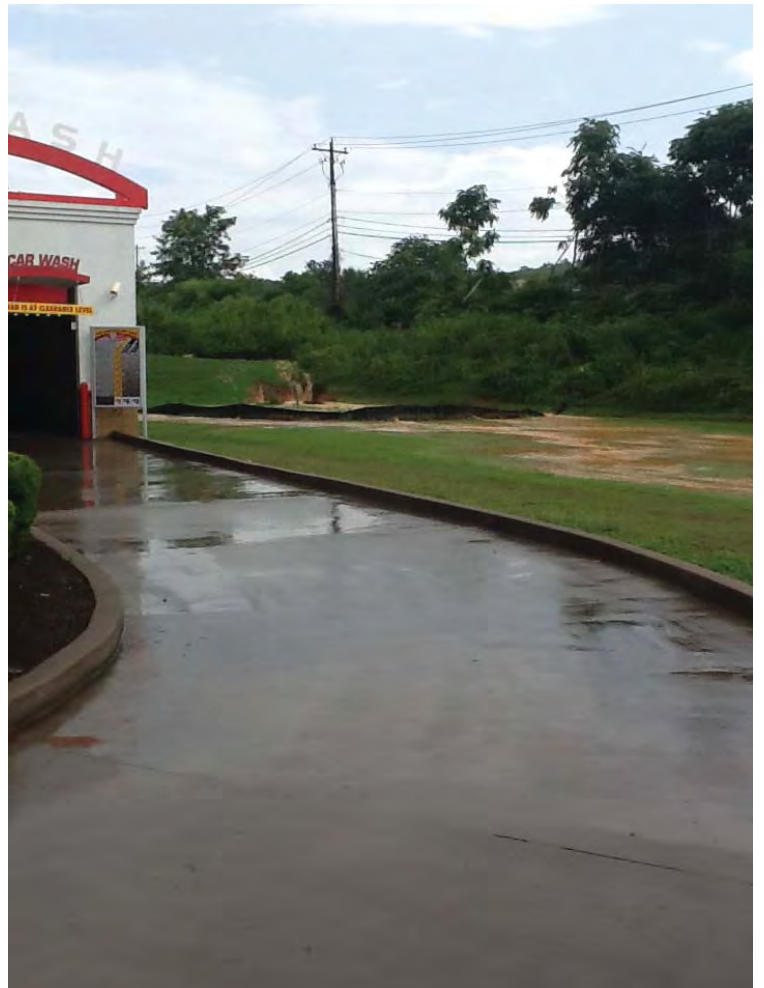


Current Aerial Photo on KGIS

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37772 - www.kgis.org

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

Disclaimer: KGIS makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



March 7, 2013



MPC May 9, 2013

Agenda Item # 24



March 7, 2013



MPC May 9, 2013

Agenda Item # 24

Summary of the 2012 Remediation and Stabilization of 2122 Schaeffer Road

1. 2006 - 2010. In 2006, a 12 acre parcel north of the subject property (Hardin Valley Road frontage) was sold, along with an option on the subject 31 acre property ("Site"). The Site was disturbed by option holder, in part, to prepare the future Schaeffer Road ROW. About mid-2010, option holder abandoned the Site, leaving the grading work unfinished. The Site was left in an unsightly mess of tree debris, large rocks and unstabilized slopes. Significant erosion of the unstabilized slopes followed. In 2011 owner improved and maintained sediment traps along future Schaeffer Road ROW.
2. February 1, 2012. Owner received notification from Knox County to remediate and temporarily stabilize the site ASAP.
3. March 1, 2012. First phase of initial stabilization completed.
4. April 5, 2012. Received State grading and temporary stabilization permit.
5. April 9, 2012. TTCDA issued Certificate of Appropriateness for a Grading Permit to remediate and temporarily stabilize the Site.
6. May 31, 2012. Received Knox County rough grading and temporary stabilization permit.
7. June 4, 2012. Commenced 2nd phase of work.
8. July 6, 2012. Received notification from Knox County to provide additional detailed engineering drawings. Work was not stopped by county. Requested drawings were approved by county on July 13, 2012.
9. July 25, 2012. Notice of Violation (Inspection #1770) following July 20 rainfall of 2.8 inches. Problems were corrected on July 21. No penalty.
10. August 10, 2012. County Inspection #1944 reported that all erosion controls were functioning properly.
11. September 27, 2012. Completed preparations for winter with placement of straw and seed and maintenance of sediment traps.
12. Present. Site remediation and temporary stabilization is performing as planned, e.g., record January 2013 rain of approximately 14 inches over 3 days resulted in no runoff problems.
13. Pictures of colored stormwater flowing across the Bread Box yard during a heavy storm were shown to you by Mr. McBride. None of that water shown originates from the Site because rain falling on the north slope of the Site flows into 13 sediment traps located along the future Schaeffer Road ROW. Stormwater shown on the photographs comes from the 9 acre ORNL FCU site, which has been recently disturbed for sowing grass seed.

MPC File # 12-D-12-RZ/12-A-12-SP



GRADING PERMIT

(Expires 1 year from date issued)

NON-TRANSFERABLE

Knox County
Department of
Codes/Engineering
Codes: 215-2325
Eng: 215-5825

Grading Permit # 112-013

Date: 5/31/12

Acreege Disturbed: 28 acres

Job Address: 2122 Schaeffer Road

Acreege Total: 28 acres

CLT #: _____ Parcel #: 104-093 Zone: PC

Issued By: DLK

Name and Address

Phone #

Owner: Philip Garrett 2122 Schaeffer Road (865) 951-9040

Contractor: _____

Architect: _____

Engineer: _____

Flood Plain Development Permit Required? _____ Yes No
Erosion and Drainage Control Plan Approved By The Division of Engineering? Yes _____ No
Bond Required By The Division Of Engineering? _____ Yes No
Entrance To Site Located On State Highway _____ Yes No

(All Construction On A State Highway Other Than A Single Family Residential Will Require a "Right-Of-Way" Permit From State D.O.T.)

TDEC Construction? Yes _____ No If yes, provide a copy to Knox County Engineering.
TVA? _____ Yes No If Yes, provide a copy to Knox County Engineering.

Note: This grading permit issued by Knox County does **NOT** release the applicant from obtaining other required federal, state and local permits (e.g. ARAP, Corps of Engineers, etc.).

Also, **ALL** permits should be posted at job site.

Begin Construction Date: 5/31/12 End Construction Date: 5/31/13

Describe Work: Rough grading & site stabilization

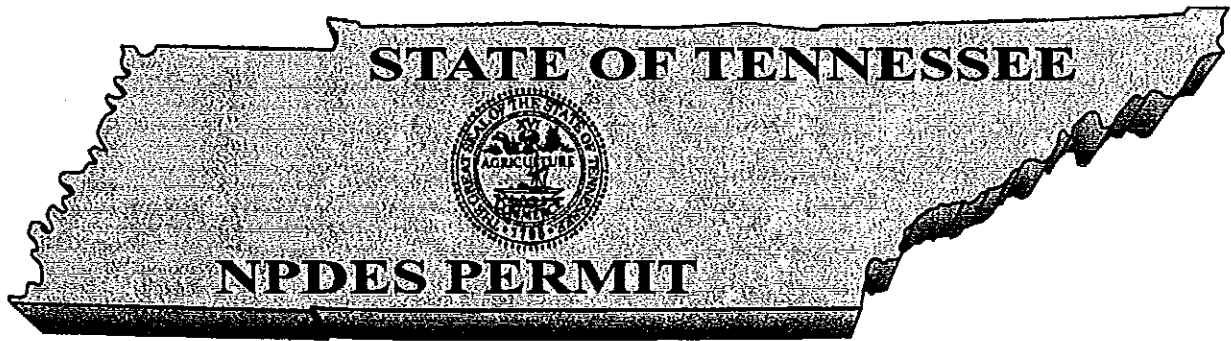
Future Use Of Site: _____

I, THE UNDERSIGNED OWNER OR AGENT, UNDERSTAND ALL THE REQUIREMENTS STATED ON THIS PERMIT AND ANY ATTACHED SITE PLANS AND/OR LETTERS. I ALSO UNDERSTAND THAT FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL CONSTITUTE A VIOLATION OF THE KNOX COUNTY ZONING REGULATIONS AND SUBSEQUENT LEGAL ACTION BY KNOX COUNTY.

Philip Garrett
SIGNATURE OF OWNER OR CONTRACTOR

5-31-2012
DATE OF SIGNATURE

1st Copy - Code Administration/Engineering
2nd Copy - Petitioner's Copy



Tracking Number TNR134132

NOTICE OF COVERAGE UNDER THE GENERAL NPDES PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (CGP)

Tennessee Department of Environment and Conservation
Division of Water Pollution Control
401 Church Street, 6th Floor, L&C Annex
Nashville, Tennessee 37243-1534

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.):

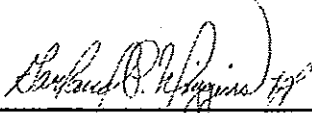
Name of the Construction Project: **Philip Garrett Property (8 acres)**
Master Tracking Number at the Site: **TNR134132**
Permittee Name: **Philip Garrett**
Contractor(s): **no contractor**
is authorized to discharge: **storm water associated with construction activity**
from site located at: **2122 Schaeffer Road, Knox County**
to receiving waters named: **Beaver Creek**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

Likely presence of threatened or endangered species in one mile radius: **NO**
Likely presence of threatened or endangered species downstream: **NO**

Additional pollution prevention requirements apply for discharges into waters which TDEC identifies as:
a) impaired: **YES** b) discharging into high quality waters: **NO**

Your coverage under the CGP shall become effective on **April 5, 2012**, and shall be terminated upon receipt of Notice of Termination.



Garland P. Wiggins, Deputy Director



CERTIFICATE OF APPROPRIATENESS FOR A GRADING PERMIT

TENNESSEE TECHNOLOGY CORRIDOR DEVELOPMENT AUTHORITY

On April 9, 2012, the Tennessee Technology Corridor Development Authority, hereinafter referred to as the Authority, did grant to Phillip M. Garrett, hereinafter referred to as the Applicant, on its application filed on March 19, 2012 with Application No. 4-A-12-TOG, this Certificate of Appropriateness for the following described property, Tax ID 104 093. This Certificate of Appropriateness is granted to the Applicant for the purpose of a Grading Permit. The Applicant agrees that it will comply with all base zoning requirements, all Technology Overlay Zone requirements, the Design Guidelines and the Comprehensive Development Plan in its use of this property, unless specifically varied or altered by the Authority.

This Certificate of Appropriateness will automatically expire two years from the date of the affirmative vote of this Certificate, unless an extension of the Certificate is granted by the Authority upon the request of the Applicant, if construction of the structure or structures on the property has not reached fifty percent (50%) of completion at the end of that two year period.

The Applicant does hereby agree that staff and/or members of the Knox County governmental entities, or the Authority, shall have access to the property at reasonable times to inspect the same for compliance with the requirements of state and local laws and this Certificate of Appropriateness.

The structure or structures to be erected on this property will be erected according to the approved and accepted plans and specifications attached to this Certificate as Attachment No. One, and any changes thereto approved and accepted by the Applicant and the Authority.

- 1) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- 2) Meeting all applicable requirements of the Tennessee Department of Environment and Conservation.
- 3) The area proposed to be graded shall be confined to the area as shown in the map marked Exhibit A (Staff Recommendation), with one exception. Below the "No Grading Line", as shown in Exhibit A (Staff Recommendation), grading shall be limited to slopes less than 25%, except where the maintenance of an existing access road to the applicant's house is required and where a new sediment basin is to be installed near an existing basin. In all other respects, the site shall remain undisturbed until such time a new grading plan is required for any proposed new development.
- 4) Related to Condition #3, a more detailed plan that shows the extent of the grading for the road and new sediment basin shall be submitted for staff review and review by Knox County Engineering prior to the issuance of the COA. This will allow the most critical part of the disturbed area (the face of the property toward Hardin Valley Road) to be remediated while minimizing further disturbance to any steep slopes. The staff supports the applicant's objective in concept, but with the limitation that no additional steep slopes be affected except as noted here.
- 5) Any re-grading of the site for remediation should not preclude the future connection between Schaeffer Road and Iron Gate Blvd., as envisioned in previous plans. The development of the property that now includes two banks and a small strip retail center and the platting of remaining vacant property were based on the notion that the Schaeffer Road connection would be made at some point in the future. Knox County envisions this as being an important road improvement for future implementation. The alignment shall be identified on the grading plan prior to the issuance of a grading permit.
- 6) Maintaining other areas of mature vegetation and non-disturbance as shown on the grading plan.
- 7) The area that is to be graded should be planted with a year-round grass seed.

By its signature hereunto, the Applicant binds itself to all terms and conditions hereof, both for itself, its heirs, and its successors in interest.

TENNESSEE TECHNOLOGY CORRIDOR DEVELOPMENT AUTHORITY

BY:

Executive Director

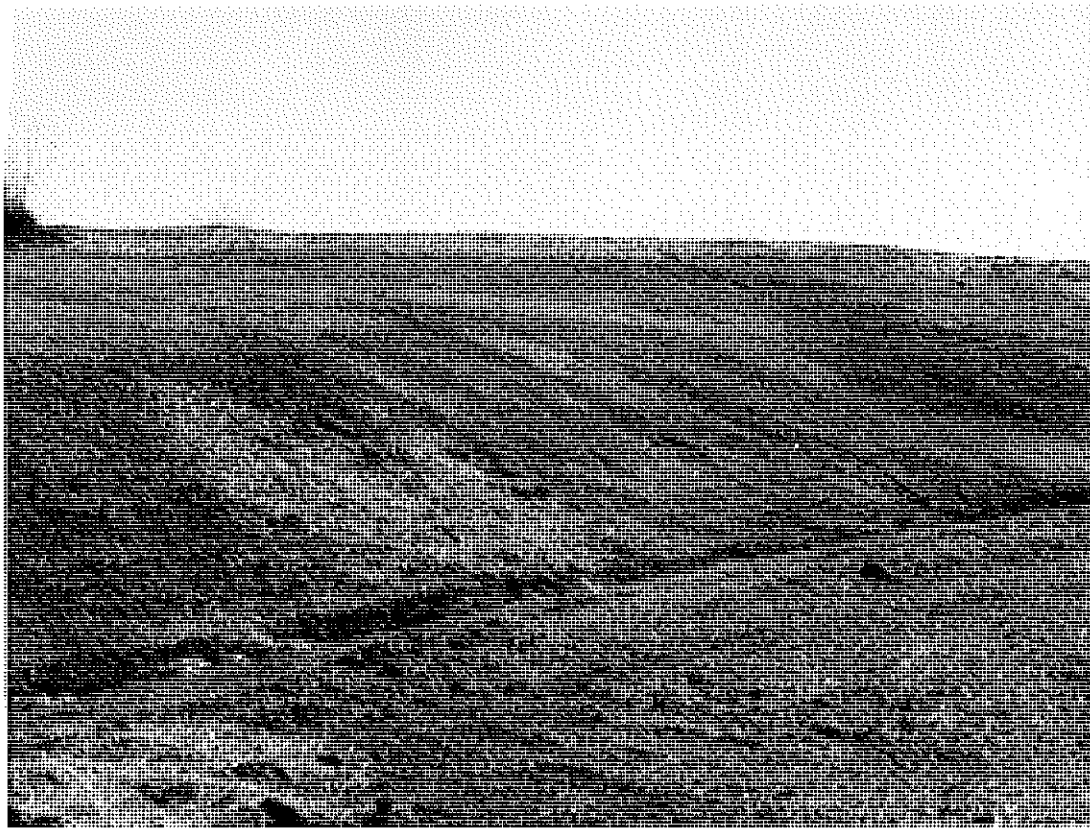
















RE: #19 12-A-12-SP/12-D-12-RZ // 12-A-12-TOR

Nick McBride
2032 Fall Haven Lane
Knoxville, TN 37932



Unfortunately I will not be able to attend today's meeting due to work conflicts. We have talked about this rezoning for months now. I will not go into detail about everything we have talked about but I would like to discuss what I think are most important issues.

The first issue is the security and privacy of our homes and subdivisions. Our subdivision has already been the victim of one of the tenants in the new apartment complex to the west of our subdivision. This rezoning would allow for up to 12 units per acre without any approval by MPC. While I am sure that we need apartments in Knoxville, a development butted up to a subdivision with a density of 1 to 3 units is not the place to allow 12 units per acre. This rezoning would allow for apartment buildings as close as 100' from the property line. With the elevations, there would be very little privacy.

The second major issue would be the impact on property values. An apartment complex will NOT increase our property values. As you know, our homes are the largest investment we will make and an apartment complex will do nothing but bring property values down. If you have identical houses in two different subdivisions, one adjacent to an apartment complex, and the other adjacent to residential housing, which would you choose? That is how it will bring our values down.

Currently the subject property would allow for light industry, and some people view this as a "down zoning." I do not feel this way at all and most of the neighbours that I have spoke with agree. I would prefer a light industry over apartments for several reasons. The light industry would be a partnership of the owner/tenant and our subdivision. We would look out for each other. At night when the company is closed we would be good neighbours and notify police of any unusual activity. The owner/tenant would take better care of the grounds than 400+/- different apartment dwellers.

Kindest Regards,

Nick McBride