

▶ **FILE #:** 12-C-14-UR **AGENDA ITEM #:** 38

POSTPONEMENT(S): 12/11/2014 **AGENDA DATE:** 2/12/2015

▶ **APPLICANT:** **STERLING DEVELOPMENT**

OWNER(S): The Sterling Group, LLC

TAX ID NUMBER: 120 F B 03607 [View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: Gleason Dr

▶ **LOCATION:** **Southeast side of Gleason Dr., southwest side of Wellsley Park Rd.**

▶ **APPX. SIZE OF TRACT:** **4.65 acres**

SECTOR PLAN: West City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Gleason Dr, a local street with a divided median two to four lane section and Welsley Park Rd., a local street with a 26' pavement width within a 50' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **ZONING:** **RP-1 (Planned Residential)**

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

▶ **PROPOSED USE:** **Apartments**

17.9 du/ac

HISTORY OF ZONING: The property was rezoned to RP-1 (Planned Residential) with a density of 19 du/ac by Knoxville City Council on May 18, 2010.

SURROUNDING LAND USE AND ZONING: North: Vacant land and assisted living facility / PC-1 (Planned Commercial), RP-1 (Planned Residential) and R-1A (Low Density Residential)

South: Apartments (Wellsley Park Phase 1) / RP-1 (Planned Residential)

East: Residences / RP-1 (Planned Residential)

West: Apartments / RP-1 (Planned Residential)

NEIGHBORHOOD CONTEXT: The site is located in an area that has a mix of low and medium density residential development, and office and commercial uses.

STAFF RECOMMENDATION:

▶ **APPROVE the development plan for up to 109 apartment units, subject to the following 12 conditions:**

1. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Department.
2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knoxville (Ord. O-280-90).
3. Compliance with recommendations 2 and 4 of the Traffic Impact Study for Wellsley Park Phase 2

Development prepared by Cannon & Cannon, Inc. and dated October 30, 2014.

4. The final design of the median changes to Gleason Dr. at the proposed development entrance are subject to review and approval by the Knoxville Department of Engineering.
5. Working with the Knoxville Department of Engineering on improving the sight distance to the west along Deane Hill Dr. at the intersection of Wellsley Park Rd. and Deane Hill Dr.
6. Meeting all applicable requirements of the Knoxville Department of Engineering.
7. The gated entrance off of Gleason Dr. and the emergency access driveway to Wellsley Park Rd. is subject to approval by the Knoxville Fire Marshal.
8. All signage for the development is subject to approval by Planning Commission Staff and the Knoxville Sign Inspector. As proposed, the entry sign details do not comply with the Knoxville Zoning Ordinance standards.
9. Installation of all sidewalks as identified on the development plan.
10. Installation of landscaping as shown on the landscape plan within six months of the issuance of the first occupancy permit for each phase of the project. The proposed landscape materials shall not interfere with the required sight triangles and required sight distances at driveway and street intersections.
11. Meeting all applicable requirements of the Knoxville City Arborist.
12. Meeting all applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the RP-1 District and the other criteria for approval of a use on review.

COMMENTS:

The applicant is proposing to develop the second phase of the Wellsley Park Apartments which are located on the west side of Wellsley Park Rd. just north of Deane Hill Dr. The second phase of the apartment development will include 109 dwelling units on 4.65 acres at a site specific density of 23.44 du/ac. The overall density for both phases of the apartment development (358 dwelling units on a 20 acre tract) will be 17.9 du/ac. The RP-1 zoning designation for this property allows a maximum density of up to 19 du/ac. When the first phase of the apartment development was approved on March 8, 2012 for 249 dwelling units, the unused density from the 20 acre tract was transferred to this 4.65 acre tract. The density transfer would allow up to 130 dwelling units.

The proposed 109 unit development will have a mix of one, two and three bedroom units with 31 one bedroom units, 66 two bedroom units and 12 three bedroom units. The complex will include four residential buildings with 2 three story buildings and 2 three/four story buildings.

The driveway access for the development will be from Gleason Dr. with an emergency access only driveway connection to Wellsley Park Rd., across from Sir Arthur Way. Gated access is proposed for the development and is subject to approval by the Knoxville Fire Marshal.

The plan includes a total of 185 parking spaces with 30 of the spaces being provided as garage spaces. In addition to sharing the amenities from the phase 1 development, a grilling area and a dog park will be provided in the second phase. Sidewalks are being provided to allow connections between the units, the phase 1 development and the external sidewalk/pathway system.

The updated Traffic Impact Analysis prepared for this development identified that current traffic operations at each of the study intersections generally are very good and are expected to continue with the background growth of traffic. With the proposed apartment complex, traffic conditions are expected to continue to be acceptable.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed development will have minimal impact on local services since all utilities are available to serve this site.
2. The proposed apartment development with an overall density of 17.9 du/ac, is consistent in use and density with the existing zoning. Other development in the area has occurred under the RP-1 (Planned Residential) zoning regulations.
3. As identified in the Traffic Impact Analysis, the proposed development will have minimal traffic impacts with efficient and safe traffic flow being maintained.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposed apartment development meets the standards for development within a RP-1 (Planned Residential) Zone and all other requirements of the Zoning Ordinance.
2. The proposed development is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw significant traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The West City Sector Plan designates this property for medium density residential use. The One Year Plan identifies the property for medium density residential use with a maximum density of 24 du/ac. The existing RP-1 zoning allows a density of 19 du/ac. At an overall density of 17.9 du/ac, the proposed project conforms to the adopted plans and zoning.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: 1031 (average daily vehicle trips)

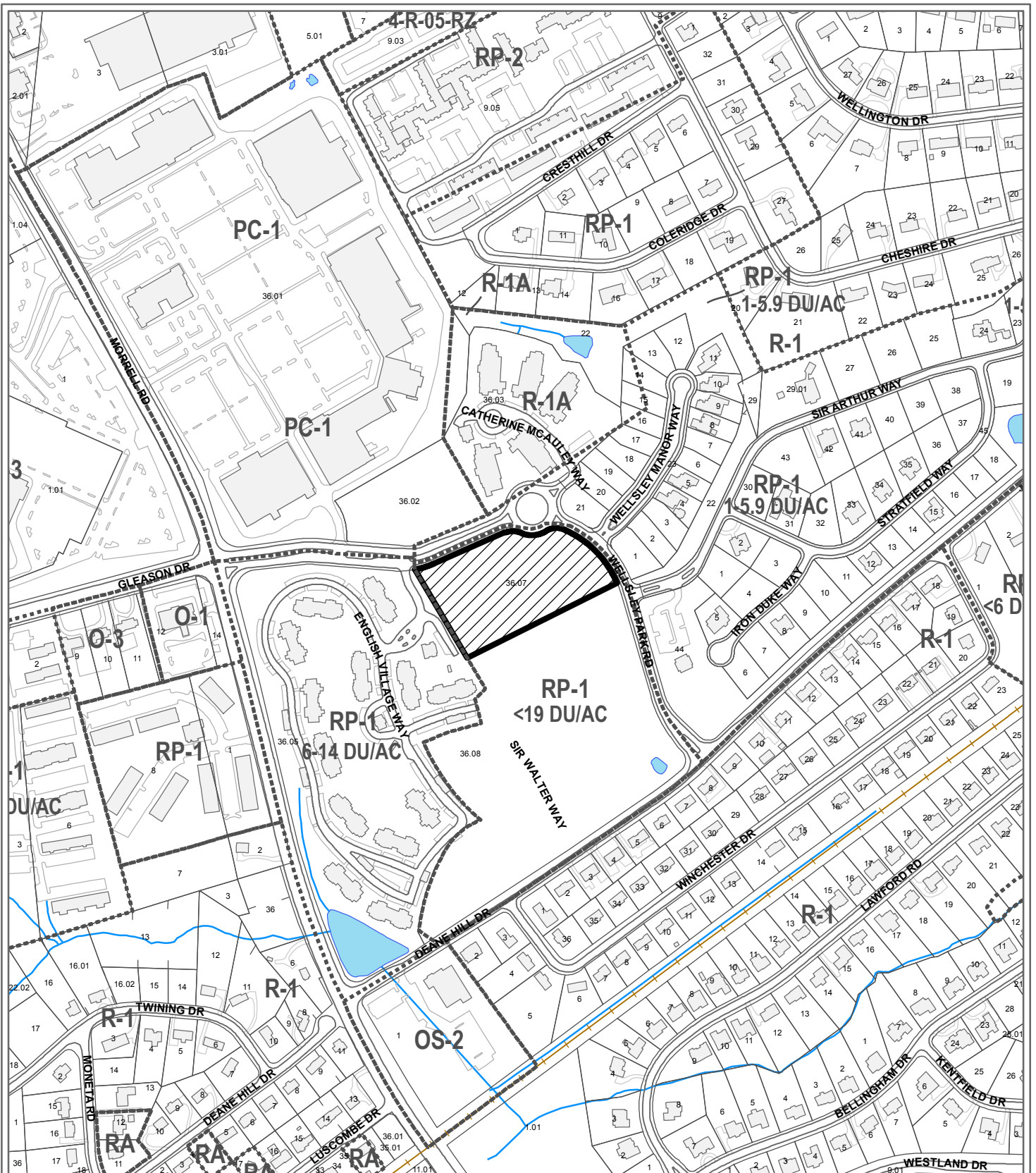
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 17 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Bearden Elementary, Bearden Middle, and West High.

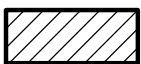
- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**12-C-14-UR
USE ON REVIEW**

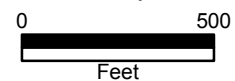
Petitioner: Sterling Development



Apartments in RP-1 (Planned Residential)

Map No: 120

Jurisdiction: City



Original Print Date: 11/24/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

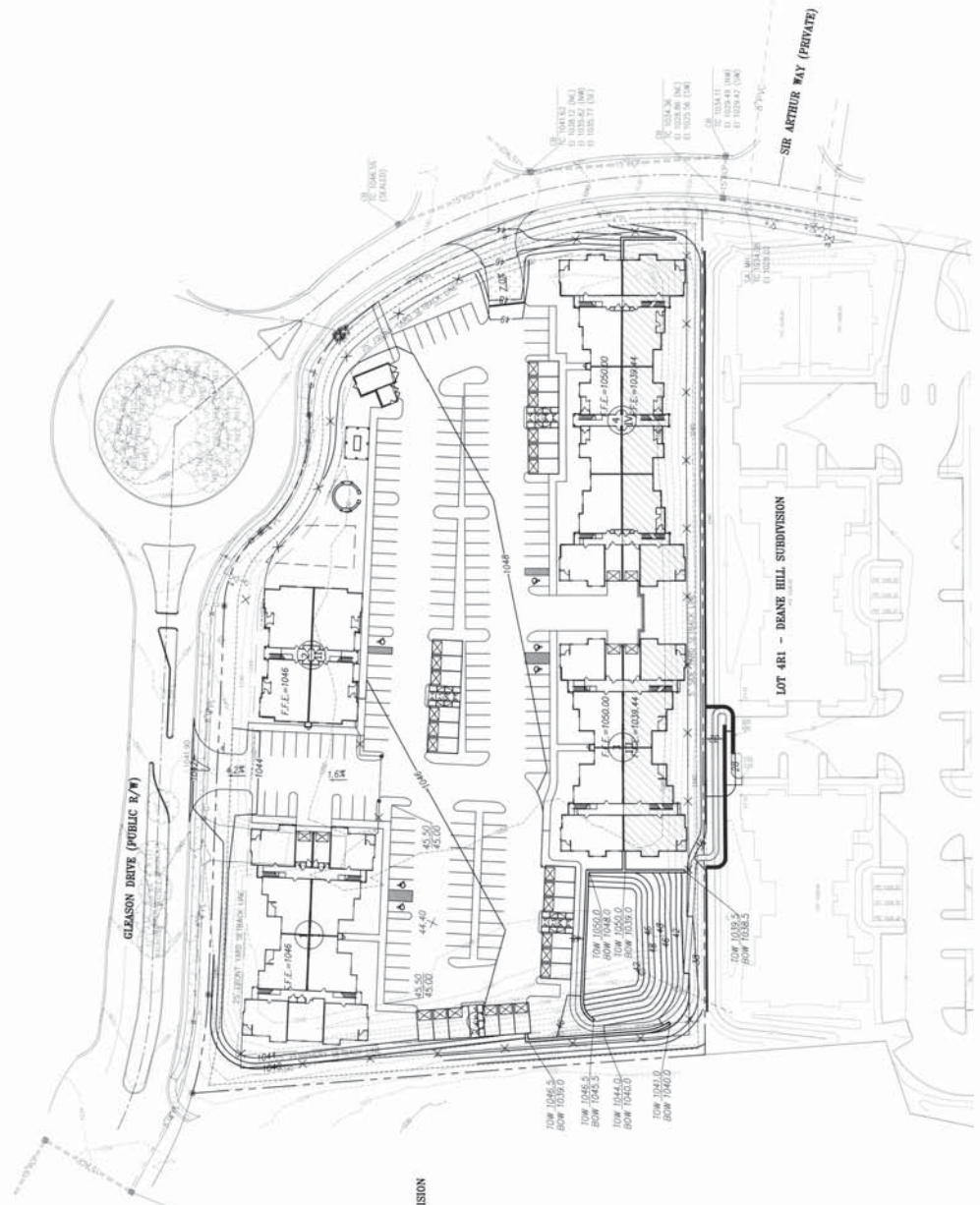


GENERAL NOTES:

1. DESIGN AND CONSTRUCTION TO BE EVALUATED AS PART OF FINAL GRADING DESIGN.
2. DETAILED LANDSCAPE PLAN SHALL BE SUBMITTED FOR MPC STAFF APPROVAL PRIOR TO BEGINNING BUILDING PERMIT.

12-C-14-UR
 REVISIONS
 1/2/2014

CANNON & CANNON INC. CONSULTING ENGINEERS - FIELD SURVEYORS 855.870.8555 8000 Riverchase Pkwy Birmingham, TN 37210 www.cannon-cannon.com	
THE STERLING GROUP, LLC 10000 Old Hickory Road, Suite 200 Nashville, TN 37204 (615) 855-1234 TEL. NO. (615) 510-1238	
PROJECT: BELLSLEY PARK PHASE 2 AT DEANE HILL, KNOWLEDGE, TENNESSEE	
USE ON REVIEW GRADING PLAN	
PROJECT NO.: 12-C-14-UR DRAWING DATE: DECEMBER 11, 2014 FILE NO.: 12-C-14-UR SHEET NO.: 12-C-14-UR-01	UOR2.01 PRELIMINARY FOR REVIEW ONLY



LEGEND	
Proposed Contour Line	1040
Existing Contour Line	1040
Storm Sewer Line	—S—
Sanitary Sewer Line	—SS—
Water Line	—W—
Underground Gas Line	—G—
Clayton Basin	⊠
Storm Manhole	⊙
Sanitary Manhole	⊙
Light Pole	⊙
Power Equipment	⊙
Telephone Line Riser	⊙
Water Valve	⊙
Fire Hydrant	⊙
Gas Valve	⊙
Water Meter	⊙
Sanitary Manhole	⊙
Sanitary Clean Out	⊙
Soak	⊙
Existing Street	—

LOT 5 - DEANE HILL SUBDIVISION





Planning • Architecture
Landscape Architecture
SGN+A, Inc.
315 W. Ponce De Leon Avenue
Atlanta, Georgia 30308
Tel: 404.373.7270
Fax: 404.373.7272
www.sgnplusa.com

Revisions:

Date:	Description:
11/20/14	REVISION PER CITY COMMENTS

Permit Submittal

**Wellsley Park
Apartments
Phase II**
Knoxville, Tennessee

A Residential Development by
**Pradigm Knoxville
Apartments, LLC**

This drawing is an instrument of service
of SGN+A, Inc. and shall not be
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written permission of
SGN+A, Inc.

Sheet Title:
Tree Permit

Date:
31 October 2014

Sheet Number:

LPI

12.12.14
REVISED
12.2.14

note: median trees which block site distance should
be removed and replaced with appropriate
landscaping, to be coordinated with city arborist.



NOTES:
REQUIRED NUMBER OF TREES = 8 TREES PER ACRE
HALF OF THE TREES MUST BE CAPABLE OF ATTAINING A HEIGHT OF 50 FEET OR MORE AT MATURITY.
SITE ACREAGE IS APPROXIMATELY 4.65 ACRES.
4.65 x 8 = 37.2 = 38 TREES REQUIRED
ALL 2:1 SLOPES (SHOWN ON PLAN WITH HATCH PATTERN) WILL BE LANDSCAPED WITH EROSION
CONTROL MATERIAL AND NATIVE TREES, SHRUBS, GROUNDCOVER AND/OR GRASSES.

PLANT LIST

LANDSCAPE TREES	LANDSCAPE SHRUBS	LANDSCAPE PERENNIALS	COMMENTS
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12-C-14-K



Revisions:
Date: _____
Description: _____

Preliminary
Design Concepts

**Wellsley
Park at
Deane Hill
Apartments
Phase II**
Knoxville, TN.

A Residential Development by
Paradigm Knoxville
Apartments II, LLC

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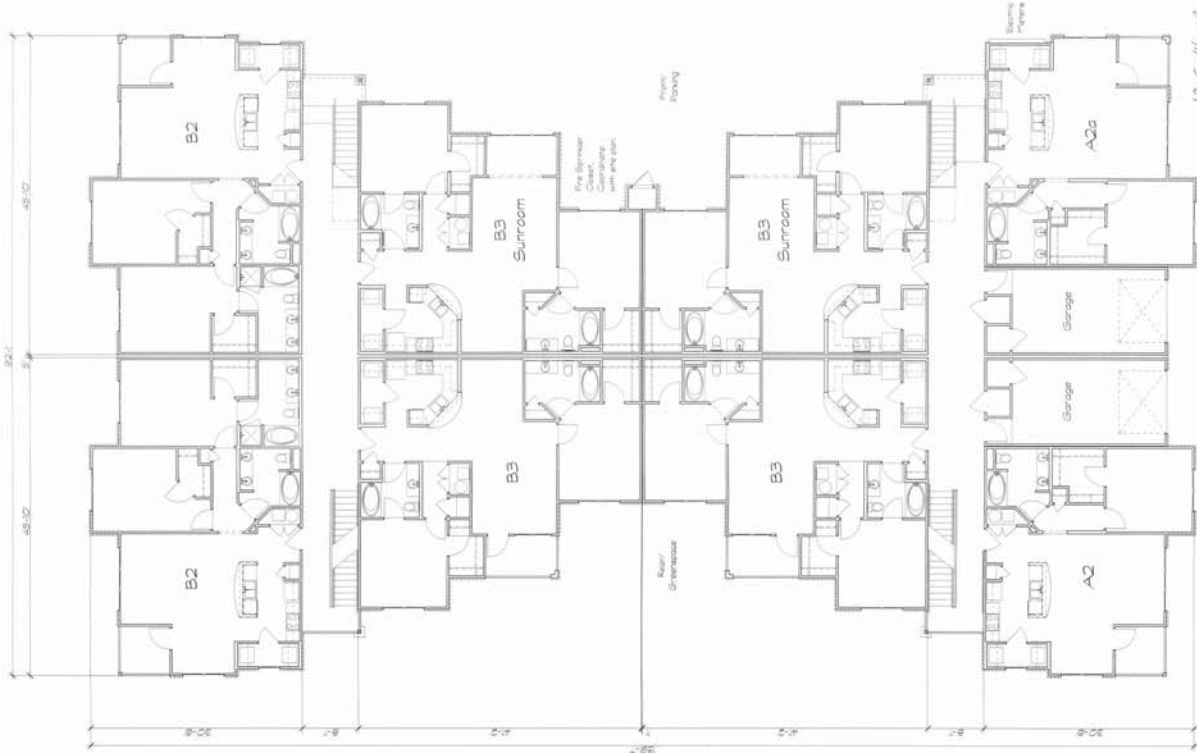
Sheet Title:
Building Plans, Type
III, Terrace & First
Level Plans

Date:
October 13, 2014

Sheet Number:

A6

Released for Construction



2 Building Type III
Scale: 1/8" = 1'-0"
Type Level

12-C-14-UR



1 Building Type III
Scale: 1/8" = 1'-0"
Terrace Level

Revisions:	Date	Description

Preliminary
 Design Concepts

**Wellsley
 Park at
 Deane Hill
 Apartments
 Phase II**
 Knoxville, TN.

A Residential Development by
 Paradigm Communities
 Apartment 13, LLC

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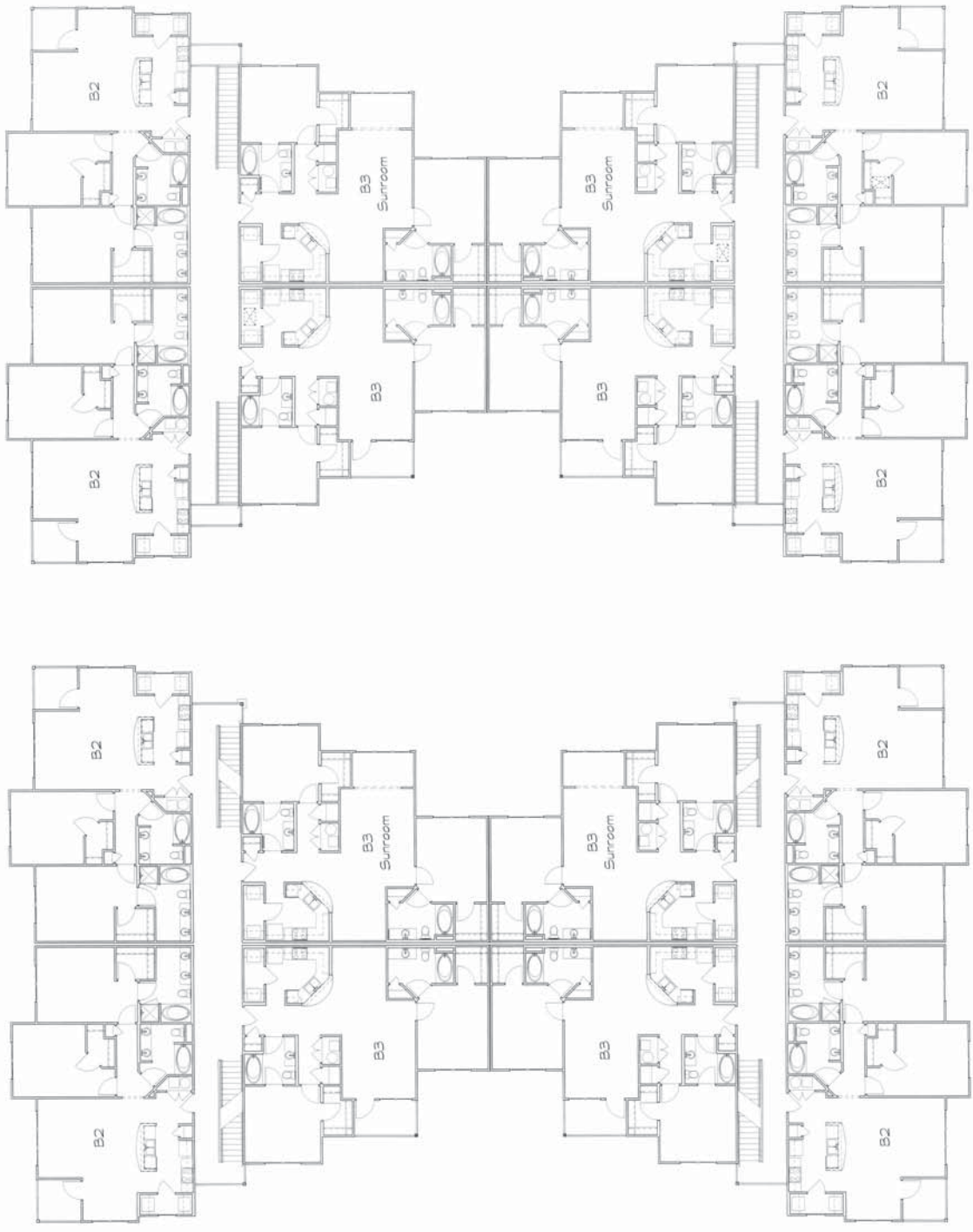
Sheet Title:
 Building Plans, Type
 III, Second & Third
 Level Plans

Date:
 October 13, 2014

Sheet Number:

A7

Revised by Construction



1/2" = 1'-0"

Third Level

2 Building Type III
 Suite 10' x 12'

Second Level

1 Building Type III
 Suite 10' x 12'

SGN+A

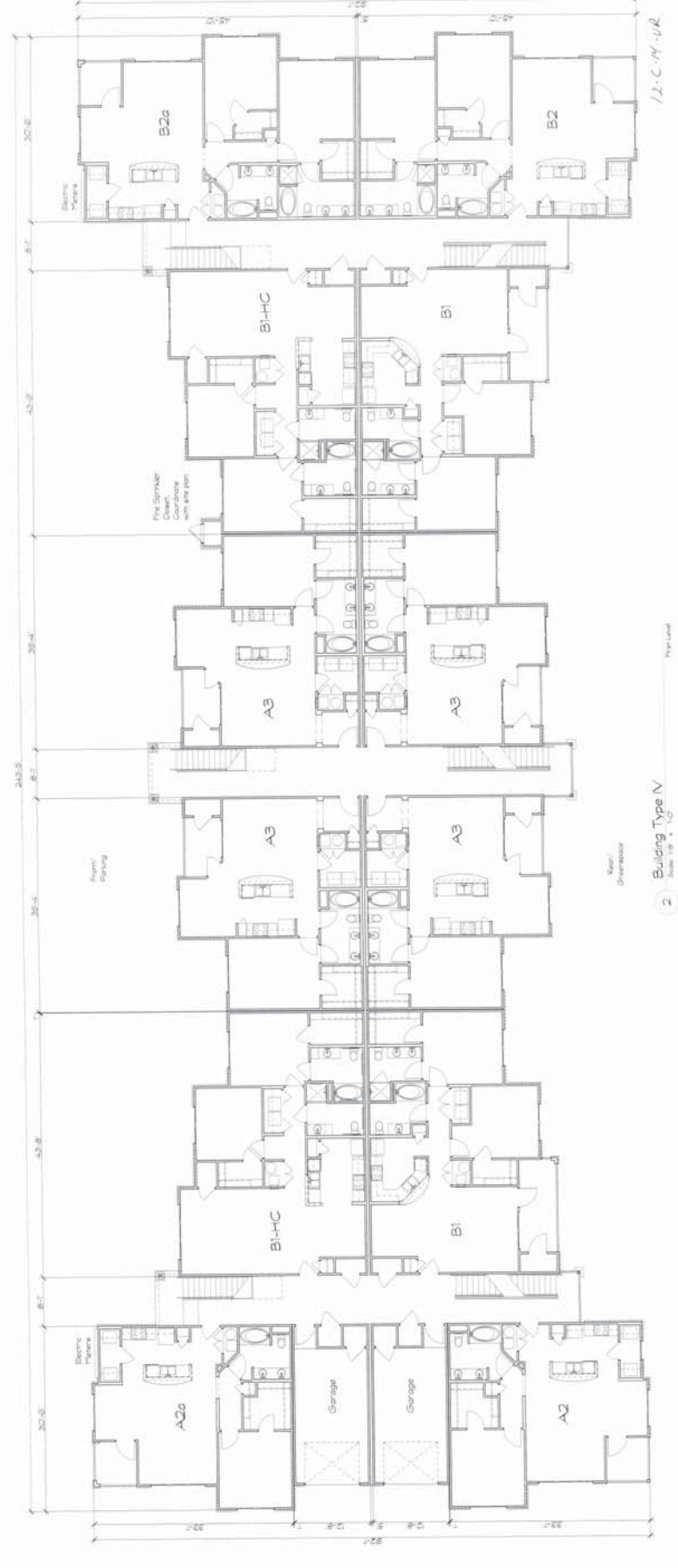
Planning • Architecture
Landscape Architecture

SGN+A, Inc.
313 West Ponce de Leon Avenue
Suite 735
Atlanta, Georgia 30308
Tel: 404.233.2370
Fax: 404.233.2372
www.sgnplus.com

Revisions:
Date: _____ Description: _____



1 Building Type IV
Scale: 1/8" = 1'-0"



2 Building Type IV
Scale: 1/8" = 1'-0"

Preliminary
Design Concepts

**Wellsley
Park at
Deane Hill
Apartments
Phase II**
Knoxville, TN.

A Residential Development by
Apartment 111 LLC

This drawing is an instrument of
service, and shall not be used
for construction without the
written consent of SGN+A, Inc.

Sheet Title:
Building Plans, Type
IV, Terrace & First
Level Plans

Date:
October 13, 2014

Sheet Number:
A8

Issued for Construction

Revisions:

Date	Description

Preliminary
Design Concepts

**Wellsley
Park at
Deane Hill
Apartments
Phase II**
KNOXVILLE, TN.

A Residential Development by
Wellsley Park at Deane Hill
Apartments II, LLC

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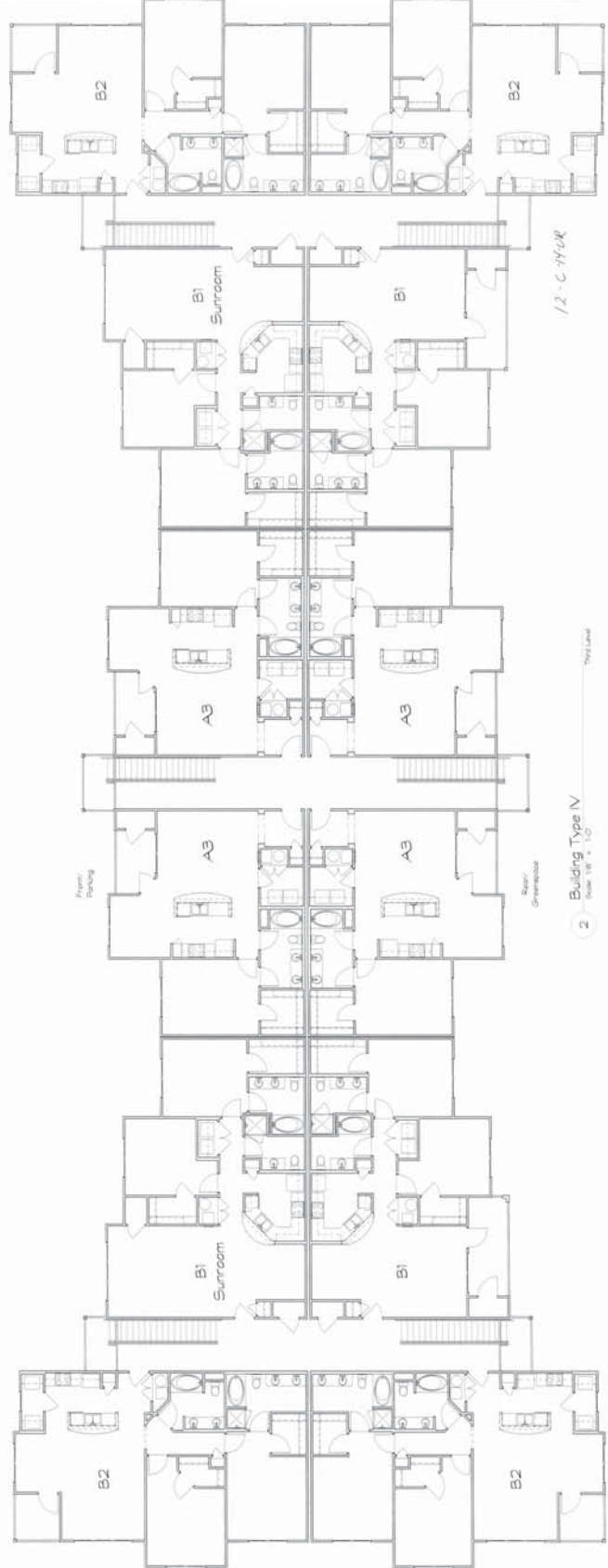
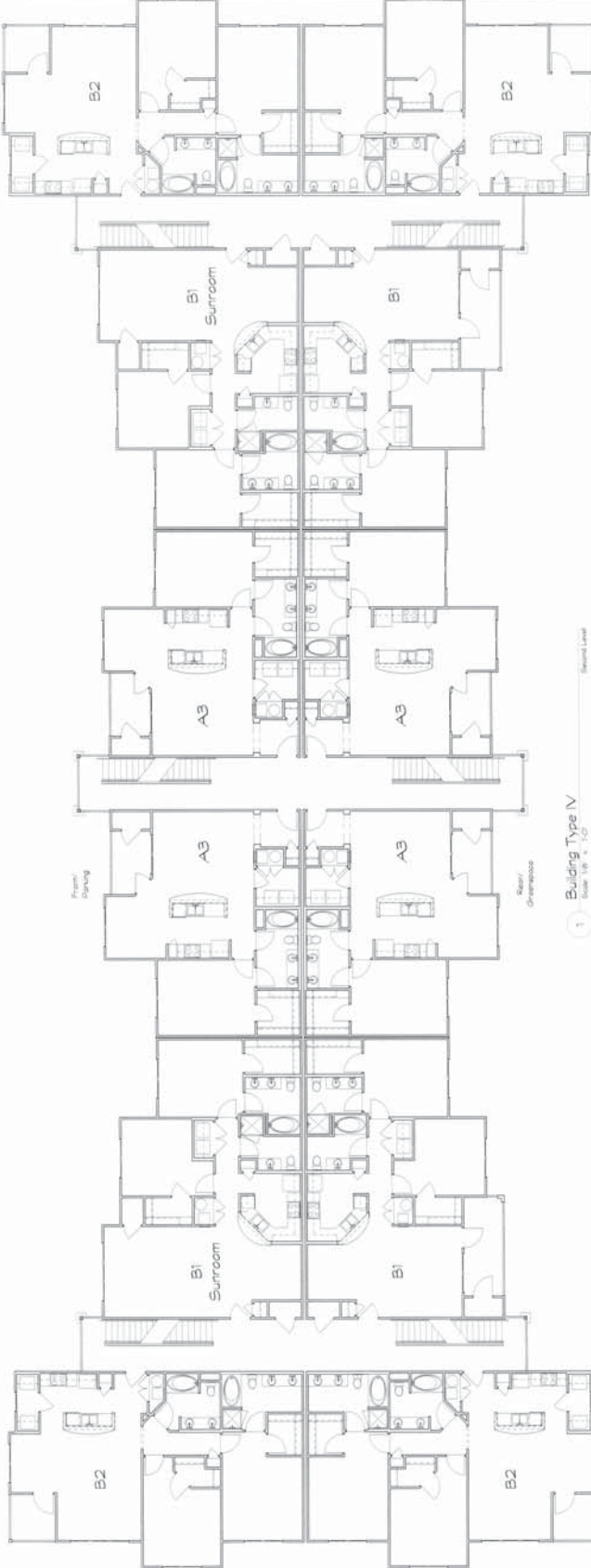
Sheet Title:
Building Plans, Type
IV, Second & Third
Level Plans

Date:
October 13, 2014

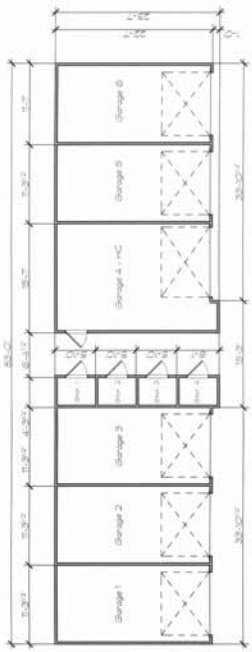
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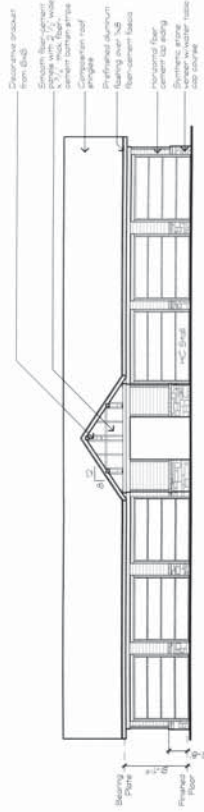
Prepared by Contractor



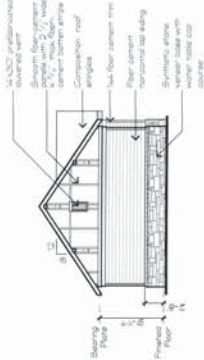
12-C-114-UR



2 6-Bay Garage w/HC Bay
 Scale: 1/8" = 1'-0"

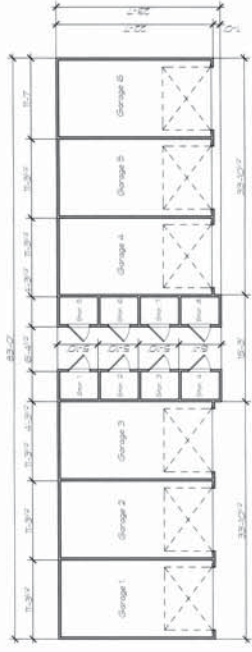


4 Building Elevation
 Scale: 1/8" = 1'-0"

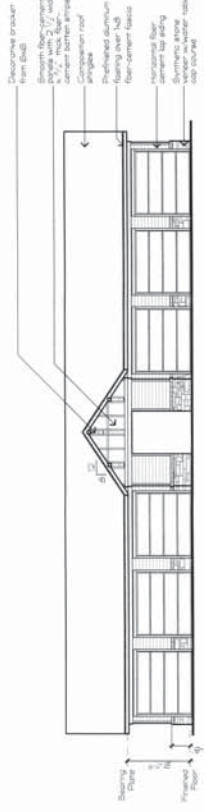


6 Building Elevation
 Scale: 1/8" = 1'-0"

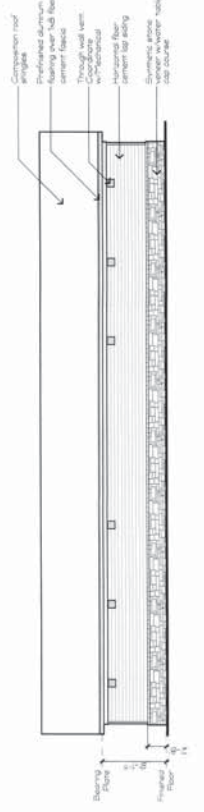
12-C-44-OR



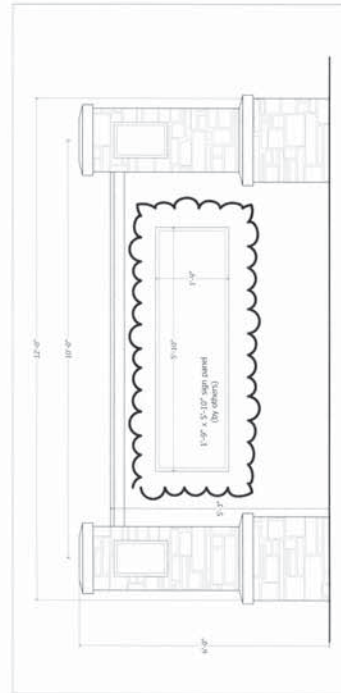
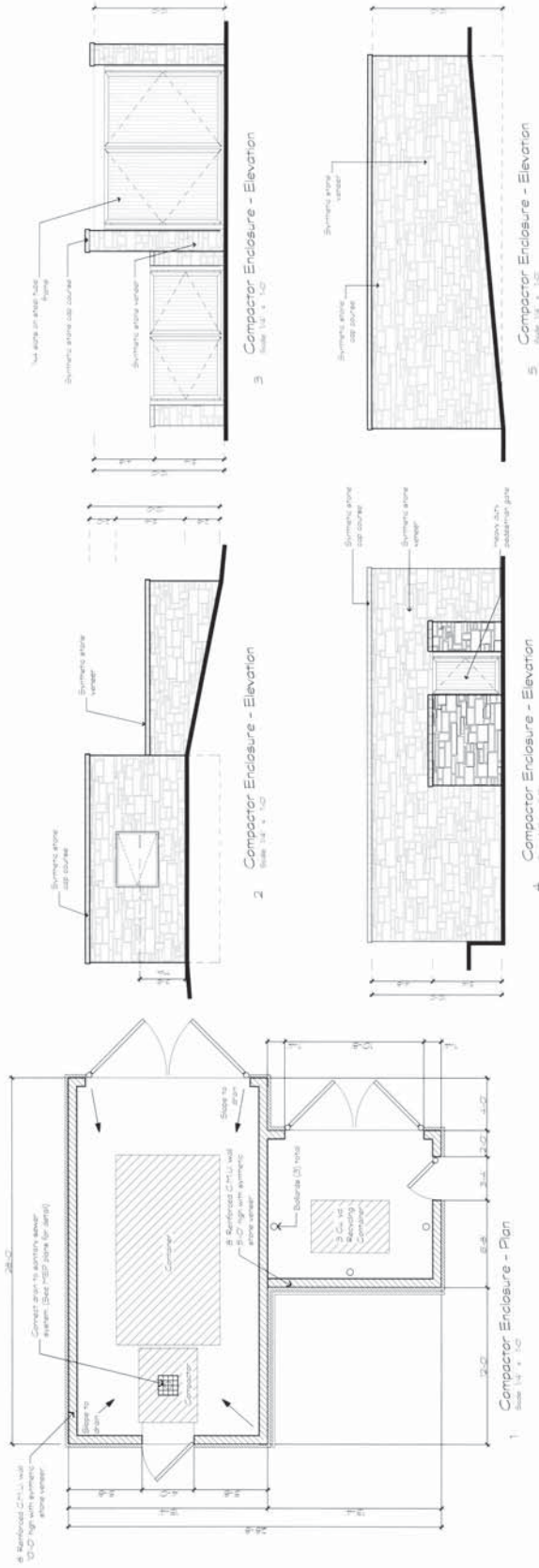
1 6-Bay Garage
 Scale: 1/8" = 1'-0"



3 Building Elevation
 Scale: 1/8" = 1'-0"



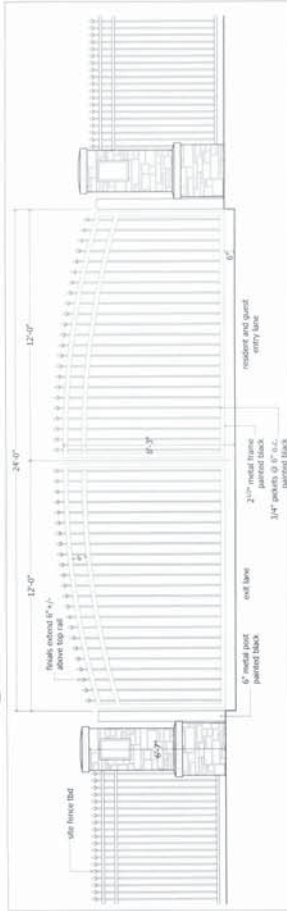
5 Building Elevation
 Scale: 1/8" = 1'-0"



12-C-19-DR
 10/31/14
 10/31/14



3 Emergency Access Vehicular Gate Plan
SCALE: 1/8" = 1'-0"



2 Resident and Guest Vehicular Gate Elevation
SCALE: 3/8" = 1'-0"



4 Emergency Access Vehicular Gate Elevation
SCALE: 3/8" = 1'-0"

description for emergency access vehicular gate system:
emergency vehicles will gain access using the city of Knoxville's preferred emergency vehicle access method.



1 Resident and Guest Vehicular Gate Plan
SCALE: 1" = 30'

description for resident and guest vehicular gate system:
one entry lane is for residents and guests.
residents use an opener to open the gates automatically.
guests will use call box to call residents for access, if resident is not available there is space provided for a turnaround exit.

the exit only lane uses sensors buried in the asphalt to open the gate.

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

December 8, 2014

Members of the Knoxville-Knox County
Metropolitan Planning Commission
400 Main Street, Suite 403
Knoxville, TN 37902

Via email attachment to commission@knoxmpc.org

RE: December 11, 2014 Agenda Item 39, Sterling Development Group, File # 12-C-14-UR (Phase II of Wellsley Park Apartments)

Ladies and Gentlemen:

We hereby submit our comments regarding the above-referenced File. Our input is divided into four interrelated sections: 1) previous noncompliance by Sterling Development Group; 2) traffic issues; 3) landscaping issues; and 4) aesthetics .

Previous Noncompliance by Sterling Development Group

During the more than two years that Sterling Development Group has been building "Phase I" of the Wellsley Park Apartments, it has repeatedly violated city ordinances and other construction obligations. Specifically:

- Sterling and its contractors have repeatedly failed to contain mud and water runoff from the construction site, resulting in multiple citations and at least one "stop work" order from the city (see Attachment). Mud, dirt, gravel and water have routinely fouled Wellsley Park Road and have accumulated in the neighboring Wellsley Park Estates' retention pond.
- For months, Sterling allowed its contractors to park on BOTH sides of Wellsley Park Rd., creating dangerous conditions and making ingress and egress for existing residents impossible or exceedingly difficult. The City eventually responded to neighborhood complaints by posting signs temporarily prohibiting parking on the east side of Wellsley Park Road. **We implore you to require Sterling to have a specific plan for on-site construction parking included in the "Phase II" proposal, and to require Sterling to adhere to such a plan.**

- For months, Sterling allowed trash from the Phase I construction site to foul neighboring property until residents contacted Sterling's funding partners and the Knoxville Mayor to demand clean up (see Attachment).

During the past six to eight months, after construction moved away from Wellsley Park Road and after meetings with neighborhood groups, the situations noted above have improved. **But we are writing to ensure that these violations are not repeated if Sterling's request for approval of Phase II is granted.** ALL contractors are supposed to obey state law and city ordinances. **We would like to see specific contingency conditions addressing the items highlighted above included in any MPC approval of this project. We cannot have a repeat of the offenses that occurred in Phase I, and we hope the Commission members will specifically ask Sterling about these problems when the Phase II proposal is before you.**

Traffic Issues

We applaud the MPC staff for recommending that approval of Phase II be contingent on Sterling rectifying the dangerous traffic condition created at the intersection of Deane Hill Drive and Wellsley Park Road by its existing Phase I development. Neighbors have repeatedly asked Sterling to maintain its property on the west side of Wellsley Park Road so as to improve the sight line for motorists turning left (east) from Wellsley Park Road onto Deane Hill Drive. Sterling's response has consistently been, "that's the city's problem." The point is, **there was NO problem before Sterling began building Phase I. They should work with the city to fix the sighting issues, and they should not be allowed to build Phase II until the Phase I problem is fixed.**

Second, we recognize that the Traffic Study completed for MPC's analysis of Sterling's Phase II proposal is based on estimates and statistical formulas. But we live in this neighborhood--not in some hypothetical, statistical model--and we can tell you that traffic has increased significantly since the Phase I apartment development began renting, and it will increase even more when Phase I is finished and proposed Phase II begins. We want to specifically mention that we would oppose the currently designated "emergency access driveway" for the proposed Phase II development being converted at any time to a "resident exit only" option or one that is both emergency and resident exit. The location of such access, being very close to the traffic circle of Gleason Drive/Wellsley Park Road, would pose a considerable hazard if it were allowed to be used by residents exiting the Phase II development. (Parenthetically we note that this "emergency access driveway" is not "across from Sir Arthur Way," as your Staff Summary states, because there is already a Phase I building across from Sir Arthur Way and the Phase II property does not extend far enough south to be across from Sir Arthur Way).

Landscaping Issues

Property owners along Wellsley Park Road paid a lot of money to maintain the mature birch trees and other landscaping on the property Sterling used for Phase I. When Sterling started building, it destroyed all this landscaping (and the irrigation system maintaining it) without any notice (or a chance to transplant) to the neighbors who had paid for it. We would ask that **if Phase II is approved, Sterling be directed NOT to repeat that mistake by destroying existing landscaping and irrigation systems along Gleason Drive--particularly in the median.** For example, it is difficult to understand why the current median trees designated for removal in the Phase II proposal are thought to interfere with sight lines for vehicles exiting the Phase II development since cars could only turn right, and those existing magnolia trees are trimmed so that the leaves are far above eye level. No sight problem would be posed by those trees and we ask MPC NOT to approve their removal.

In addition, the existing landscaping installed by Sterling along Wellsley Park Road for Phase I is inadequate. Although Sterling did respond to neighbor requests to plant additional evergreens along Wellsley Park Road to shield one of its buildings from the street, other portions of its existing landscaping are dead or dying. Sterling keeps saying it will fix this problem prior to the final inspection for Phase I, but neighbors have been waiting for months for improvement. In our view, **Phase II should NOT be approved until the Phase I landscaping is fixed. In addition, the landscaping for Phase II along Gleason Drive and Wellsley Park Road should be significantly increased from the existing proposal so that it fits with the neighborhood.**

Aesthetics

We are not sufficiently skilled at reading the plans/drawings submitted for Phase II to determine whether the proposal shows any retaining walls. Unfortunately, when we reviewed the proposed Phase I plans several years ago, we were not able to see the **massive and exceedingly unattractive retaining walls** for that project that have been built along Deane Hill Drive. We certainly hope such an aesthetic travesty will not be repeated in Phase II, but we can't tell from the proposal what is anticipated.

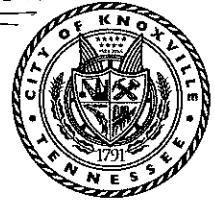
Finally, we would note that potential four story buildings atop the existing hill encompassing the Phase II property will look ridiculous and out of character with the neighborhood. We recognize that the proposed Phase II population density is within approved limits so that MPC likely will not object to the building height. But we can only comment that it's sad when existing neighborhoods are negatively impacted in this manner.

Thank you for your attention to these issues.

Dennis and Kathy Hayward

NOTICE OF VIOLATION

985361



Name: STERLING DEVELOPMENT has been found to be in violation of the City of Knoxville's Stormwater and Street Ordinance

Section(s): [] 22.5-26 [X] 22.5-30 [X] 22.5-52 [] 22.5-53 [] Other [] (see back of NOV)

Location of Violation(s) (provide sufficient information for identification of where violation has occurred): _____

WELLSLEY APTS

Description of violation(s): [X] Inadequate Erosion/Sediment controls [X] Non-compliance with Approved Permit [X] Illegal Dumping/Discharge

[] Illicit Connection [] Grading/Filling w/o Permit, **10 TIMES STANDARD PERMIT FEE REQUIRED** (See Section 22.5-29 on reverse)

[X] Other TRACKING ONTO ROAD

Work remediation, or repair ordered to comply with the City Code: [X] Stop Discharge/Dumping [] Provide Incident Report by ___/___/___

[X] Remediate/Remove Discharged Material or Sediment from street/catch basin/drainage/way/etc. by 1/28/14.

[] Provide Spill/Pollution Prevention Plan by ___/___/___ [X] Correct Erosion and Sediment Controls by 1/28/14.

[X] Clean road thoroughly using approved methods. Install wheel wash station as discussed. Install gravel pull-off area as discussed. Stop work order in effect until these items are addressed.

Name: Sterling Development is hereby served with this Notice of Violation on 1/28/14, and ordered to correct the violation(s) or to stop work until the Engineering Department approves the continuance of work. Illegal Discharges Must Stop Immediately. As described above, all remediation, repair, or necessary work required to comply with the City Code must be completed by 1/28/14 unless specified otherwise. The above work, remediation, or repair does not preclude assessment of penalties and/or reimbursement of the City of Knoxville's related expenses/damages.

Notification received by: SENT VIA Reg, Court Mail + FAX Title (if applicable): _____

This order served by: Clifford MIANN Date and Time 1/28/14 at 10:00 am pm

Original — On-site person or signer above Yellow — Engineering Division Pink — Law Division Goldenrod — Owner/Developer/Responsible Party

Due to Federal Mandate 40 CFR 122.26 and to State of Tennessee NPDES Permit No. TNS068055, the City of Knoxville is required to detect, remove, prohibit and enforce any non-stormwater discharges to the municipal separate storm drain system unless the illicit discharge or illegal dumping is specifically exempted or covered by an individual NPDES permit.

According to the City of Knoxville Code, Chapter 22.5 entitled Stormwater and Street Ordinance,

Section 22.5-8

- a) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and punished as provided in the general provisions of the City Code. Each day that a continuing violation of this chapter is maintained or permitted to remain shall constitute a separate offense.
- b) Any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation constitutes a separate violation.

Section 22.5-26

No person shall:

- a) Grade, dump, alter natural or existing topography, move or place fill material, excavate, remove any vegetation not exempted by the tree protection ordinance, or begin any development activities without first obtaining a site development permit from the Department of Engineering.
- b) Alter any natural or manmade drainage system so as to divert, constrict, increase, or change in any manner the natural or existing flow of any stream, or natural or existing drainage of any area without obtaining a site development permit from the Department of Engineering.
- c) Commerce site development and/or construction of any building or structure without obtaining a site development permit from the Department of Engineering.
- d) Clear any site by means that causes disturbance of soil without first obtaining a site development permit from the Department of Engineering.

Section 22.5-29

- c) The fee for a site development permit issued after site development has begun without a permit shall be ten times the standard fee.

Section 22.5-30

No person shall perform site development work that does not conform to an approved site development plan.

Section 22.5-52

a) No person shall:

- 1) Connect, or allow to be connected, any sanitary sewer to the stormwater system, including any sanitary sewer connected to the stormwater system as of the date of adoption of this chapter.
- 2) Cause or allow an illicit discharge to the stormwater system, or any component thereof, or onto driveways, sidewalks, parking lots, sinkholes, creek banks, or other areas draining to the stormwater system.

Section 22.5-53

As soon as any person has knowledge of any illicit spills or discharges to the stormwater system in violation of this chapter, such person shall immediately notify the Engineering Director by telephone of this discharge. If such person is directly or indirectly responsible for such discharge or responsible for the operations of the system or business, then such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone notification with a written report to the Engineering Director within three (3) calendar days. At a minimum, the written report for any illicit discharge shall include: 1) Date and time of the discharge, 2) Location of the discharge, 3) Material or substance discharged, 4) Duration and rate of flow, 5) Total volume discharged, 6) Total volume recovered, 7) Cause or reason for the discharge, 8) Remediation and containment action taken, 9) Material Safety Data Sheets (MSDS) for the discharged material, 10) Action taken to prevent further discharges, and 11) Description of any environmental impact.



Globs of mud and gravel adhering to WP Rd. even after sweeping



Gravel along curb on WP Rd..



Trash on hillside along Wellsley Park Rd



Water and mud runoff onto Wellsley Park Rd., Aug. 18, 2014



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

[MPC Comment] <http://agenda.knoxmpc.org/2014/dec2014/12-C-14-UR.pdf>.

1 message

JSSRHSCC via Commission <commission@knoxmpc.org>

Tue, Dec 9, 2014 at 9:23 AM

Reply-To: jssrhsc@aol.com

To: commission@knoxmpc.org

To Members of the Commission:

Re: **File # (12-C-14-UR)**

As a resident of Wellsley Park Estates, I would like to respectfully request that you consider postponing the approval of the plan to allow 109 more apartments to be built in the Gleason Rd./Wellsley Park Road area until the developer has completed the current massive number of apartments, and we can see the impact on the entire infrastructure. Traffic has increased greatly in the area already, and it is almost impossible to turn left onto Deane Hill Dr. from Wellsley Park Road. The Round About is much more treacherous, and adding more traffic to that road system can not be good for anyone! Ambulances come and go at the Assisted Living center, and this will just make things worse.

We have already been through a very disruptive construction project with the current apartments. The developer has been disorganized and has not followed the plan we were given. I am just asking for time to evaluate the situation when the current project is totally complete. The Grove, an apartment complex adjacent to these apartments, was done well and in keeping with the general area, however, I personally do not feel these apartments fit that description. The landscape shielding is not what we were told and the massive walls were certainly unexpected.

Thank you for your time, and I hope you will at least consider postponing the decision.

Very truly yours,

Jean Sinclair

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This message was directed to commission@knoxmpc.org



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

[MPC Comment] Sterling Development's Proposed Apartment Complex

1 message

william kimmerly <billkimmerly@hotmail.com>

Mon, Feb 2, 2015 at 1:54 PM

Reply-To: billkimmerly@hotmail.com

To: "commission@knoxmpc.org" <commission@knoxmpc.org>

On February 12, 2015, the MPC will review a proposal from Sterling Development to build some 109 apartments in a development that would be bounded by the southeast side of Gleason Drive and the southwest side of Wellsley Park Road. This development is described by Sterling as "Phase II" of the company's recently completed 249-apartment development, "Wellsley Park at Deane Hill," which is immediately adjacent to this proposed development.

We understand that certain decisions about this proposed development have most likely been made. For example, we understand that the increase in traffic volume caused by the development has already been approved. We understand further that a study has already concluded that the creation of a combined 358-unit apartment complex directly across the street from two long-established residential communities will have no adverse effect on existing residential home values (a conclusion hard to fathom based on common sense). And we understand further that tacit approval of the overall proposal might already exist.

Nonetheless, several of us disagree with these decisions / conclusions and would still like to raise our objections to this proposed development, while offering some recommendations (see attached document). Our hope is that someone in authority will understand the situation faced by a small group of relatively powerless residents and will take our concerns into serious account as this process moves forward.

William and Susan Kimmerly

7217 Wellsley Manor Way

Knoxville, TN 37919

Dr. Graham McNeil

6506 Westminister Road

Knoxville, TN 37919

Dottie Woodruff

7207 Wellsley Manor Way

Knoxville, TN 37919

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This message was directed to commission@knoxmpc.org



Sterling Development Concerns and Issues.docx

21K

To: Knoxville MPC

Subject: Proposed Apartment Complex Development at the intersection of Gleason Drive and Wellsley Park Road (scheduled for MPC review on February 12, 2015)

From: Residents of communities affected by this proposed development

Date: February 2, 2015

BACKGROUND

On February 12, 2015, the MPC will review a proposal from Sterling Development to build some 109 apartments in a development that would be bounded by the southeast side of Gleason Drive and the southwest side of Wellsley Park Road. This development is described by Sterling as “Phase II” of the company’s recently completed 249-apartment development, “Wellsley Park at Deane Hill,” which is immediately adjacent to this proposed development.

We understand that certain decisions about this proposed development have already been made. For example, we understand that the increase in traffic volume caused by the development has already been approved. We understand further that a study has already concluded that building a combined 358-unit apartment complex directly across the street from two long-established residential communities will have no adverse effect on existing residential home values (a conclusion hard to fathom based on common sense). And we understand further that tacit approval of the overall proposal already exists.

Nonetheless, several of us disagree with these decisions / conclusions and would still like to raise our objections to this proposed development, while offering some recommendations. Our hope that someone in authority will understand the situation faced by a small group of powerless residents and will take our concerns into serious account as this process moves forward.

ISSUES AND CONCERNS

If this development is approved, as presently planned, residential communities in the area will be adversely affected. The two communities most directly impacted will be the Villas at Wellsley Park and the Estates at Wellsley Park. Both of these adjacent communities are situated directly across the street from the proposed development. Many residents of these two communities, including the undersigned, object strongly to the construction of the proposed apartments. We urge the MPC to reject this proposal outright, or, secondarily, defer approval until more in-depth reviews and discussions can be carried out involving current residents.

There are numerous reasons for not allowing this development to proceed in its present design. The four main categories of concerns are these:

- ***The undesirability of yet another major apartment development directly across the street from long-established residential and retirement communities.*** Sterling’s recently completed

“Wellsley Park at Deane Hill” apartment complex (“Phase I”) has already had an adverse impact on home values and the quality of life of the residents of the residential communities that would be affected by the Phase II development. Simple logic suggests that the sudden introduction of two very large and unsightly apartment complexes directly across the street from two long-established, higher-end residential communities – with the developer destroying and displacing a formerly natural wooded area in the process – will have an adverse effect on home values in the adjacent residential communities. We have already seen an increase in traffic, dog walkers, joggers, bicycles, etc. in our communities. In addition, by stacking an unsightly and massive jumble of structures onto what was once a beautiful, professionally landscaped area, Phase I has already permanently destroyed much of the former natural beauty of the area. Phase II will simply exacerbate and compound this impact, further affecting our home values and overall quality of life.

- ***Increased traffic congestion and safety issues, both during construction and after.*** The site for this proposed development is situated immediately adjacent to the intersection of Wellsley Park Road and Gleason Drive, which are joined at this location by a traffic roundabout. These joined roads often serve as a short-cut for traffic from Deane Hill Drive to Morrell Road / Westtown Mall (and back). As a result, this road receives a high volume traffic, all of which must navigate the roundabout, often at high rates of speed. Phase I has already added to the volume of traffic in this area, thereby adding to our daily risks; Phase II would obviously compound the problem. A new traffic risk that would be introduced by Phase I would be the planned traffic access cut across the median on Gleason Drive. This cut (which would require removal of mature trees in the median) would be very close to the high-speed traffic roundabout. The result would be very limited sight distance and reaction time for drivers exiting the roundabout and encountering cars entering or exiting the access cut. This would create high-risk conditions for rear-end and T-bone traffic accidents, both during construction and on into the future. If this development is approved, an alternate access strategy is needed, such as using for Phase II the entrance that already exists for Phase I.
- ***Based on the recent precedent set by Sterling Development in Phase I, the likelihood of poor management of the construction project.*** If the Phase II project is approved, we are likely to see a repeat of the kinds of construction and project management problems that plagued the existing residential communities in Phase I. These include such problems as illegal and unsafe parking by construction worker and contractor vehicles; ongoing traffic blockages caused by large trucks idling in the middle of the road awaiting delivery; constant mud in the streets; ongoing scattered debris; areas of erosion; frequent periods of dust; further damage to Wellsley Park Road and Gleason Drive; damage to infrastructure facilities, such as sprinkler systems and sidewalks; destruction of existing mature trees, shrubs, etc. Experience has also shown that when engaging in such actions as blocking traffic or creating erosion problems, Sterling appeared to be responsive only to strong and continuing pressures from Knoxville City government (e.g., escalating fines, threats of stop-work orders, etc.). Appeals and complaints from the residential communities had minimal effect. If this development is approved, the developer will require close and continuing oversight by city officials.

- ***Based on the recent precedent set by Sterling Development in Phase I, likelihood of poor landscaping and apartment complex screening, resulting in an undesirable overall aesthetic for the development.*** As currently planned, this proposed development would create another major eyesore for the community. Sterling has already demonstrated (via Phase I) that it has little apparent regard for how a particular development blends into an established overall community. A prime example is the southeast / south perimeter of Phase I. This is an area where a broad swath of mature magnolia, elm, and other professionally landscaped trees were chopped down and bulldozed over by Sterling. This was done to make room for stacked, high-density apartments. Many of these stacks are supported by an ugly-looking conglomeration of massive, mud-stained, and poorly landscaped retaining walls. These towering walls are surrounded by scruffily landscaped steep slopes, some of which are still prone to ongoing erosion problems. (Representatives from the adversely affected communities met with Sterling executives about achieving better screening of the Phase I property through improved landscaping and a cleanup of the mud-stained retaining walls, but these discussions were not productive.) Phase II will not only eliminate what is left of the natural beauty of this area; it will add to the overall crass unsightliness of the entire area. If this development is approved, the developer should be compelled to install first-rate professional landscaping and screening of the entire perimeter area.

SUMMARY: Sterling's proposed "Phase II" is a poorly conceived development that should be disapproved by the MPC, or at least deferred until it can receive a high-quality, in-depth review by an integrated team of appropriate City officials and experts (traffic, arborist, horticulturalist, engineering etc.). This review should take into account the recently demonstrated record of poor project management performance by Sterling (in Phase I), as well as the collective views of adversely affected stakeholders in the impacted communities. These communities include the Villas at Wellsley Park, the Estates at Wellsley Park, the Homewood Residence complex, and the Grove complex. This team should evaluate the proposed Phase I development within the larger context of the overall community's best interests, not simply within the narrow context of the architectural and engineering specifics of the proposed development itself.

Thank you for taking into consideration our deeply-held concerns about this proposed development.

William and Susan Kimmerly
7217 Wellsley Manor Way
Knoxville, TN 37919

Dr. Graham and Kimberly McNeil
6506 Westminster Road
Knoxville, TN 37919

Dottie Woodruff
7207 Wellsley Manor Way
Knoxville, TN 37919



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

[MPC Comment] File 12-C-14-UR Supplemental Comments

1 message

D and K Hayward <haywardherd@msn.com>

Mon, Feb 2, 2015 at 3:20 PM

Reply-To: haywardherd@msn.com

To: "commission@knoxmpc.org" <commission@knoxmpc.org>

Ladies and Gentlemen:

Attached please find comments regarding File 12-C-14-UR (Sterling Development Phase II of Wellsley Park Apartments) that supplement input we previously submitted on December 8, 2014.

Should you have any comments or questions, please feel free to contact us.

Thank you for your consideration.

Dennis and Kathy Hayward

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This message was directed to commission@knoxmpc.org



Supplemental letter to MPC re median cut for Phase II.docx

13K

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

February 2, 2015

Members of the Knoxville-Knox County
Metropolitan Planning Commission
400 Main Street, Suite 403
Knoxville, TN 37902

Via email attachment to commission@knoxmpc.org

RE: February 12 Agenda Item, Sterling Development Group, File # 12-C-14-UR (Phase II of Wellsley Park Apartments)

Ladies and Gentlemen:

We submit the following comments as an addendum to our earlier submission dated December 8, 2014:

After meeting with representatives of Sterling Development on January 13, 2015, to discuss open issues from Phase I of its Wellsley Park Apartments as well as its proposed Phase II, it became apparent that Sterling is asking for approval to cut through the existing median on Gleason Drive in order to allow ingress and egress to Phase II from both eastbound and westbound lanes of Gleason. The plan Sterling submitted to MPC appears confusing on this issue since it shows a "turn right only" sign at the proposed exit from Phase II onto Gleason Rd. Yet Sterling representatives at our January meeting indicated they are seeking a cut through the Gleason median, which seems to contemplate allowing Phase II residents to turn left onto Gleason. We oppose this median cut for several reasons.

First, there is an existing median cut just a short distance west of the proposed entrance to Phase II. The existing cut allows westbound traffic to turn into The Grove apartments (using a left-only lane) and allows Grove residents to turn left (west) out of their community onto Gleason. There is no reason why future residents of Wellsley Park Apartments Phase II can't use this same median cut when heading west on Gleason and, essentially, make a legal u-turn to head the short distance east for access to their community. And residents exiting Phase II should (as the MPC plan shows) "turn

right only" coming out of the driveway and then go around the traffic circle if they want to head westbound. That is one of the principal reasons the traffic circle is there.

Second, the proposed median cut for Phase II is very close to the existing traffic circle that joins Gleason Rd. with Wellsley Park Rd. and allowing a left turn into Phase II from the one-lane westbound Gleason Rd. will cause traffic to back up into the circle and create a dangerous condition.

And third, the only safe way to allow a left turn from westbound Gleason into the proposed Phase II would be to not only cut the existing median, but also significantly narrow it to include a "left turn only" lane. Since, as noted in item one, above, there is already a left turn only lane just a few yards further west on Gleason, creating another one is unnecessary and diminishes the aesthetic and practical value of having Gleason be a boulevard street with a nicely landscaped median.

(We also note parenthetically that both eastbound and westbound Gleason Dr. are currently single lane roads. If construction vehicles park on Gleason (as they parked on Wellsley Park Rd. during Phase I construction) they will completely impede traffic. Similarly, if trucks delivering construction materials stop on Gleason for extended time periods (as they did on Wellsley Park Rd. during Phase I construction) there will be no way for traffic to get around them. This is of particular concern for emergency vehicles getting to Brookdale Senior Living (previously called Homewood Assisted Living) in this neighborhood. We again ask that if MPC approves the Phase II proposal, it does so with conditions preventing such disruption.)

Thank you for considering our views on this matter and for adding them to our earlier comments about the proposed Phase II of Wellsley Park Apartments.

Sincerely,

Dennis and Kathy Hayward



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

[MPC Comment] Fwd: erosion on Sterling property 1/12/2015

1 message

Dr. Graham McNeil <hgmcnail2@comcast.net>
Reply-To: hgmcnail2@comcast.net
To: "commission@knoxmpc.org" <commission@knoxmpc.org>

Tue, Jan 27, 2015 at 6:48 PM

Condition we have to endure where Sterling wants to build phase 2.

Sent from my iPad

Begin forwarded message:

From: Fred Peebles <peeblesf@att.net>
Date: January 27, 2015 at 2:48:41 PM EST
To: "Dr. Graham McNeil" <hgmcnail2@comcast.net>
Subject: erosion on Sterling property 1/12/2015

Graham, you might forward these to your mailing list. Neal



DSC_5410







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

[MPC Comment] Proposal #12-C-14-UR Wellsley Park Apartments

1 message

JSSRHSCC via Commission <commission@knoxmpc.org>

Thu, Feb 5, 2015 at 2:39 PM

Reply-To: jssrhsc@aol.com

To: commission@knoxmpc.org

Knox County Commissioners:

Proposal #12-C-14-UR

We understand that the property on Wellsley Park Road and Gleason Drive is once again up for approval. We have written several times to various officials concerning this property. As far as I can tell they still have not completed the first project. They promised trees along the boulevard would be replaced, after they took down the ones Wellsley Park Estates planted. To date no trees have been replaced. They are still working on the current apartments! Please have them finish these first.

I cannot imagine how bad things will be going through the Round-About and having even more people exiting onto Wellsley Park Road and Gleason Road. I fear the **emergency exit** will be used often, thus adding more traffic onto Wellsley Park Road. Surely there is a better use for this last piece of property other than more apartments. The Grove has gone the extra mile to blend into the community, I cannot say the same for Wellsley Park Apartments. We have had several meetings with the developers asking for a few things to improve the situation. They seem attentive, but never produce results. We need to hold them responsible.

Please take a look at the road situation in this area. We have an Assisted Living Center, Retail, and Residential. The emergency vehicles are always going in and out of the Assisted Living Center and all of this traffic flow is just one more accident waiting to happen. It is a congested area. It is a curved piece of property, and it looks like the buildings are going to be built practically on the street!! I cannot imagine how dangerous this could be.

What would be the harm in postponing this proposal until spring and seeing the finished project on this first group of apartments. We can see the finished landscaping and the traffic flow after the project is complete and full. We hope you will consider our request. We really do have valid complaints.

Thanking you for your attention.

Jean S. Sinclair
Resident of Wellsley Park Estates

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This message was directed to commission@knoxmpc.org