

8/10/20

Comments Regarding Rezoning Case #8-A-20-RZ

Northwest County Sector
Estate of Charles Hatmaker
8935 W Emory Rd

By Kelly & Jo Roy, property owners at 9101 W Emory Rd

We are opposed to this rezoning request for the following reasons:

- 1) **Housing Density** 5 units/acre is far too dense! Furthermore, it is a virtual certainty that the developer will not sell any buildable vacant lots at fair market value, allow any house to be built on two adjacent lots combined, or allow any lot to remain undeveloped. This proposed development practically guarantees a subdivision with the following characteristics:
 - (a) the majority of driveway lengths will be determined by the 20' front setback
 - (b) ~100% of garage entrances will be on the front of all homes (with possible exceptions on corner lots)
 - (c) a 5' side setback on each unit is insufficient to access the roof of any 2-story house from the side without placing ladder(s) onto adjacent property ownersA similar (?) subdivision, Creek Bend Farms, is currently being developed off Karns Valley Dr along the shore of Beaver Creek. See Slides #1 and #2 for some perspective on housing density, and litter and sediment runoff to Beaver Creek.
- 2) **Increased Flooding/Degraded Water Quality** The addition of permanent, impermeable, hard surfaces will contribute to runoff, flooding, and reduced water quality in Beaver Creek and the tributary to Beaver Creek which transects the proposed parcel. The creek which traverses our property flows underneath W Emory Rd and onto the subject Hatmaker Parcel, continuing another ~2300' before emptying into Beaver Cr. This parcel lies entirely within the Beaver Creek Watershed.

During the second week of March 2020, Knox County began repair work on the W Emory Rd culvert between our property and the Hatmaker Parcel. We asked the County to increase culvert capacity as our property would regularly flood in this area. Instead, Knox County replaced the dilapidated 36" metal culvert with new 36" plastic culvert. After speaking with Mr. Brad Warren, Chief Operations Engineer in the Public Works Department, he agreed to have an engineer evaluate this culvert. The engineer agreed that capacity at the W Emory Rd culvert could be increased. By this point in time, however, the 36" culvert and road repair had already been completed. The following is a timeline of subsequent events regarding this matter:

***3/19:** I received an email from Mr Warren stating that after further discussions "we have elected to monitor the crossing during heavy rain events to evaluate the need for an additional 36" pipe as suggested by our hydrology engineer."

***6/15:** Ball Homes LLC filed Rezoning Request #8-A-20-RZ on the Hatmaker Parcel

***6/29:** The new repaired culvert flooded again, completely submerging our bridge and demonstrating that a 36" pipe is insufficient to carry the amount of water in this creek

***6/30:** I emailed Mr Warren, with photos, to advise him that our bridge had again been flooded
***7/20:** I received an email from Mr Warren stating that though additional cross drain capacity is warranted they are reluctant to add it for **fear of downstream flooding** (Slide #3). It is the subject Hatmaker Parcel that is immediately downstream of this culvert.

Our bridge (Slide #4) has become **completely submerged** during high flow events because the 36" culvert immediately downstream of the bridge is inadequate. The west side of the upstream end of our bridge is eroding substantially. If we lose this bridge, we will be forced to drive lawn mower(s) on W Emory and Henderson Roads in order to maintain our property. Evidence of flooding in this area can be seen before (Slide #5) and after (Slide #6) the culvert was replaced. Knox County engineers agreed that increased capacity at this culvert was warranted, but have since **reversed** themselves following this Rezoning Development Request.

The UT Institute of Agriculture states "A recent study in the Beaver Creek Watershed in Knox County, Tennessee indicated that up to 40 percent of sediment entering Beaver Creek may be coming from residential areas. Other studies indicate that residential areas also are contributing a relatively greater proportion of NPS (nonpoint source) pollutants to our waterways than in the past. In part, **this is because there are simply more subdivisions in closer proximities**, with more roads, more cars, and more lawn chemicals."

<https://ag.tennessee.edu/tnyards/Pages/Water-Quality-Facts-for-TN.aspx>

The U.S. EPA has identified **Beaver Creek** and all of its **tributaries** between Hwy 441 in Halls and Pellissippi Pkwy as "**impaired**" or of "condition unknown".

<https://mywaterway.epa.gov/community/beaver%20creek%20knoxville%20tn4/overview>

Slide #7 shows that the tributary flowing through the Hatmaker Parcel is already so turbid that visibility is reduced to ~9". The proposed development will **further degrade water quality and increase flooding** in this tributary and in Beaver Creek.

- 3) Road Infrastructure/Traffic Impacts** The roads in this part of Knox County have no shoulders and no sidewalks or bike paths. In the 27 years we have lived at 9101 W Emory Rd, our fence has been run through by vehicles more than **50 times** (Slide #8) and our mailbox has been hit by vehicles no less than a **dozen times** (Slide #9). Multiple vehicles have gone off the roadway through our front yard, some taking out trees and overturning. Many of these accidents happen because of the lack of shoulders on any of these roads. Old Cobbs Ferry Rd at the west edge of the parcel is a one lane road only, and cars cannot pass almost anywhere on Hackworth Rd south of W Emory Rd without pulling over into yards. The roadways need to be improved before any additional traffic is added to them. On 7/29/20, the 9600 block of W Emory Rd was completely blocked temporarily because eastbound and westbound vehicles sideswiped each other, ripping off driver's side mirrors on both vehicles. Dump trucks pass by our house **>100 times/day**, 5 days/week, and this has been ongoing for about 2 years. It is estimated that this proposed rezoning will **add 1417 daily vehicle trips** and 57 K-12 students to a road system that is already inadequate.

According to p.27 of MPC's 2016 Northwest County Sector Plan, the subject Hatmaker Parcel has a Residential Building Condition rating of "Fair/Avg"
<https://knoxmpc.org/northwestcounty/resources/adopted%20plan/Northwest%20County%20Sector%20Plan.pdf> With the flooding and roadway issues already present, it seems **irresponsible** to propose adding 5 houses/acre to a site that is rated **fair-to-average** for residential construction. Some of Knox County's own plans, such as sidewalk development along Byington Beaver Ridge Rd and along Oak Ridge Hwy, (as noted on p.30 of [https://knoxmpc.org/northwestcounty/resources/documents/_Sector%20Plan_Draft%202%20\(May%202016\).pdf](https://knoxmpc.org/northwestcounty/resources/documents/_Sector%20Plan_Draft%202%20(May%202016).pdf)) have **yet to be implemented**, even though pedestrians **have been killed** in these areas. Infrastructure improvements seem to be lagging far behind residential development in the Karns Community (Slide #10).

Conclusion Five units/acre AND a 5' side setback are completely unacceptable to us. No development should occur until shoulders are added to existing roads and the W Emory Rd culvert is improved with additional capacity. There are no details in the Rezoning Report to indicate setbacks from the creek, whether the TVA high voltage right-of-way acreage has been subtracted from the 28+/- acreage estimate, or even the total number of units proposed.

In summary, **we strongly encourage the Planning Commission to deny this request** based on
(a) increased **flooding** potential to Beaver Creek, the associated tributary, and to downstream residents (Slide #11),
(b) increased **traffic** on inadequate roads which have no shoulders or sidewalks, and
(c) likely impacts to **water quality** (e.g., TSS and DO), aquatic life, and biodiversity in Beaver Creek and the associated tributary.

Keep in mind that the Knox County Engineering and Public Works Department also has expressed concern about flooding downstream of the W Emory Rd culvert. Note that prior to creation of the Harrell Road Stormwater Park, the Commission **approved this site** for subdivision development (Slide #12).

We view the 5' side setback for residential developments as the single worst decision ever made regarding Knox County Zoning - and we are not alone. We would like an answer as to **why Public Works engineers reversed their position** on adding increased capacity to the W Emory Rd culvert after this Zoning Request was filed. It certainly looks to us like someone made a decision that it was preferable to hold water back and flood our property so as not to create flooding downstream on this new proposed subdivision. The Karns Community really does care about Beaver Creek (Slide #13). Hopefully the MPC does as well.

8/7/20

Creek Bend
Farms
Subdivision
and bridge
over Beaver
Creek;
note spacing
of houses



8/7/20

Creek Bend
Farms
Subdivision
showing trash
and mud runoff
to Beaver
Creek



7/20/20

Communications with Engineering and Public Works

From: **Brad Warren** <Brad.Warren@knoxcounty.org>
Date: Mon, Jul 20, 2020 at 2:23 PM
Subject: RE: [External]Fwd: 9101 W. Emory Rd - 36" cross-drain
To: Kelly Roy <luvsbirdn@gmail.com>

Mr. Roy,

We discussed this location this morning in staff meeting. Although additional pipe is warranted based on the drainage area calculations, we remain reluctant to add additional capacity to the cross drain due to the potential of creating flooding downstream given its flat topography (i.e. shifting a problem from one neighbor to another). We have areas throughout the county that have similar situations with no good solution simply based on the contour of the land, and the potential to negatively impact downstream neighbors.

While I understand this is not the answer you were looking to get, and the frustration of flooding. We must also prevent flooding downstream neighbors when we perform maintenance of our stormwater system.

Brad Warren, P.E.

Chief Operations Engineer
Engineering and Public Works
Office: 865-215-5796
205 West Baxter Avenue
Knoxville, TN 37917

We discussed this location this morning in staff meeting. Although additional pipe is warranted based on the drainage area calculations, we remain reluctant to add additional capacity to the cross drain due to the potential of creating flooding downstream given its flat topography (i.e. shifting a problem from one neighbor to another).

On Jun 30, 2020, at 4:52 PM, Kelly Roy <luvsbirdn@gmail.com> wrote:
Mr. Warren,

FYI - at the peak of the rain event yesterday evening the top of the new culvert at 9101 W Emory Rd was several feet under water. My bridge just upstream of the culvert was fully submerged again. Water was at least up to W. Emory Road in the vicinity of the culvert but I don't know that it overtopped the roadway (it didn't stop traffic). Where my driveway connects, W Emory was completely flooded and traffic was coming to a complete (or nearly complete) stop before proceeding. When the water receded, debris was left in my front yard ~35' from the centerline of the road. Of course near the culvert it floods much further back onto the property. I've attached a few photos taken near the culvert.

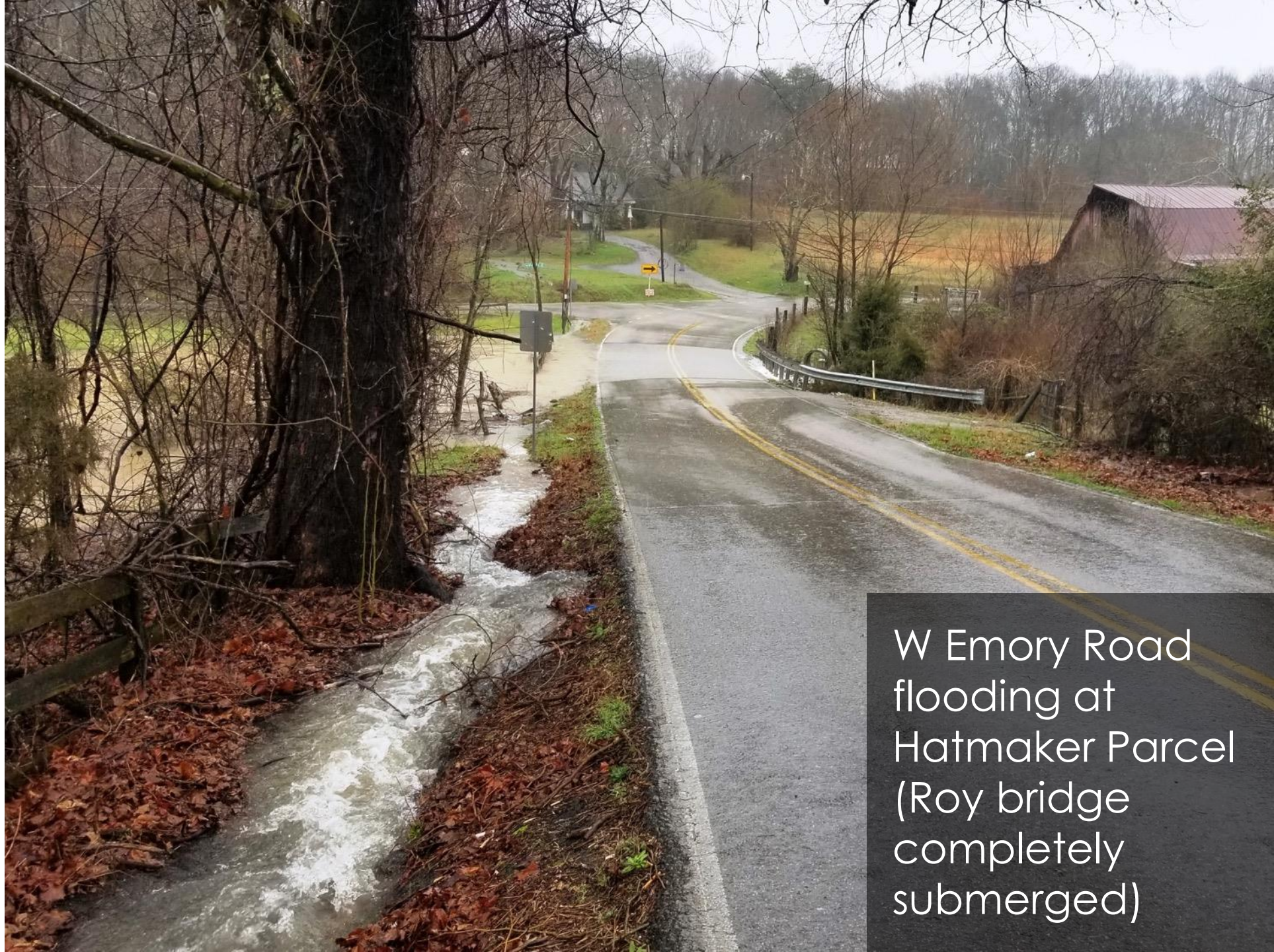
Sincerely,
Kelly Roy

8/7/20

Roy bridge;
note
vegetation
rooted in
sediment
deposits on
bridge and
erosion in
upper right
corner



2/23/19



W Emory Road
flooding at
Hatmaker Parcel
(Roy bridge
completely
submerged)

6/30/20



High water mark
on vegetation
at Roy bridge
after culvert
replacement

8/7/20

Turbidity
in creek
on Hatmaker
Parcel
(no rain in
previous 24
hours)

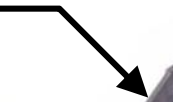


9/3/19

Fence damage
caused by
roads without
shoulders



Hatmaker barn



5/12/15



Vehicle struck mailbox on W Emory Rd then traveled through fence on Hatmaker Parcel

9/29/11

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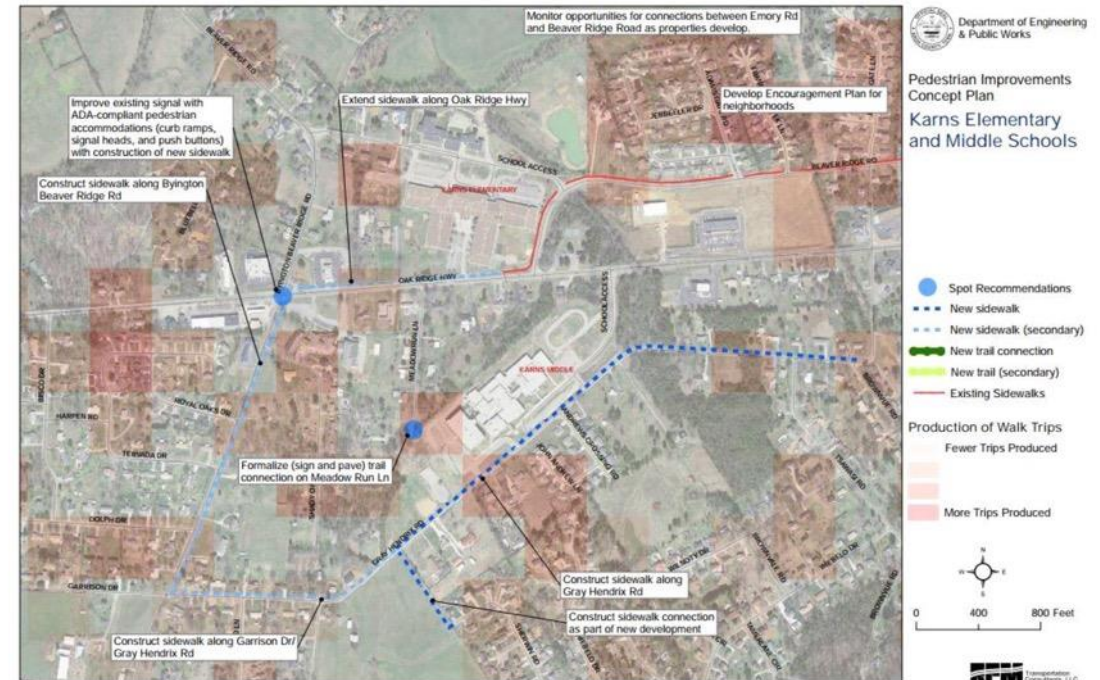
Pedestrian struck, killed by vehicle in Karns

By News Sentinel Staff

KNOXVILLE — A 41-year-old man was struck and killed by clearing a Karns-area roadway with a leaf blower tonight, according to County Sheriff's Office.

James Buster Marshall, 41, was pronounced dead at the scene emergency responders shortly after the incident, which was in the 3200 block of Byington Beaver Ridge Road, according to spokeswoman Ashley Haynes.

Pause on development until infrastructure plans are implemented



- A scenic and highway corridor overlay district should be developed and adopted for Oak Ridge Highway from Karns Valley Drive to Crepe Myrtle Lane. The overlay district should address the following;
 - Signage
 - Sidewalks
 - Landscaping and lighting
 - Building setbacks

2/24/19



Beaver Creek,
0.5 mi
downstream
of Hatmaker
Parcel

Oops!

Commission approved this site for a subdivision prior to creation of Harrell Road Stormwater Park

'Lord , Jesus. I'm going to drown in my car:' Knoxville woman rescued from East Tennessee floods

Ryan Wilusz Knoxville

Published 4:38 p.m. ET Feb. 23, 2019 | Updated 5:46 p.m. ET Feb. 23, 2019



Knoxville woman describes being trapped in floodwaters

Brenda Colbert, 76, was rescued by the Karns Fire Department after her car became stuck in floodwaters Saturday on Harrell Road. Ryan Wilusz, USA TODAY NETWORK - Tennessee

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The water would not stop flowing into Brenda Colbert's car Saturday. And as it continued to rise above the 76-year-old woman's ankles, she tried to pull her feet up in the seat.

"Water kept coming in," she said. "Lord, Jesus, I said, 'I'm going to drown in my car.'"

Members of the Karns Fire Department rescued the Knoxville woman from her Buick Lucerne around 12:30 p.m. Saturday after she drove into floodwaters on

8/8/20



Beaver Creek Bridge
at Karns Valley Dr
near Tennessee
Rugby Park

Karns cares about
Beaver Creek!