

Dear Commissioners

With regard to File # 1-B-22-SU, Agenda Item 33, Agenda Date, 1/13/2022

For the Proposed Use of Townhomes-

Thank you for your consideration of these comments. As an initial matter, I would request that the Commissioners Postpone the currently scheduled vote for the reasons set out in more detail below.

Generally, as a resident of the neighborhood where this property is located, I am happy to see that the Planning Commission and Staff are keeping in foremost consideration the Hillside Protection overlay applicable to this lot. However, I have some concerns with regard to inconsistencies in the data contained in the application and packet and the high risk of impact with the proposed disturbance to property protected by the Hillside Protection Overlay, as well as the impact to the adjacent properties on Sevierville Pike. There was no signage along Sevierville Pike or even at the intersection of Sevierville Pike and E Red Bud. In asking my neighbors and fellow community members it appears that the surrounding community seems largely unaware of this project and given the potential impact and the permanent nature of repercussions of the approval of the plan I would request that the Commission postpone the hearing on approval to allow the community the opportunity to consider and respond the proposal and for the Staff and Commission to work through any inconsistencies or questions arising from the application packet, and to determine whether any additional modifications, recommendations or conditions should apply to the project. Additionally, the Staff and Commission would have the opportunity to more deeply evaluate whether the submitted plan meets the intent of the Historic Protection Overlay designation and the process that arises from that designation. As you are aware the stated purpose of the Hillside Protection Overlay is stated in the code as follows:

#### **Purpose**

Hillsides constitute significant natural topographic features of the City. In addition, when development occurs on hillsides, there are potential serious consequences, such as increased erosion, fire, or flood hazards, and property damage from extensive soils slippage and subsidence. In order to protect hillsides and hillside development, the HP Hillside Protection Overlay District is established.

There are several concerning items with regard to this plan. According to the application the tract size is 3.26 acres of disturbed area – does this include existing structures, pavement, parking, etc that would already constitute a disturbed area, or is the newly disturbed area 3.26 acres? If it is the latter, it would appear that the proposal results in the total area disturbed on the lot in excess of that which is permissible on Hillside Protection Overlay and the 4 acres set forth by the Staff Recommendations. It appears in other areas of the plan that the total undisturbed area is 2.3 acres of a total of 7.59 acres (or 6.93 – also listed in the application and evaluation) which equals a disruption in excess of 4 acres. If the total area of disturbance, including existing buildings are in excess of 4 acres it should not be permitted as proposed. Additionally, I may have overlooked it in the packet, but I do not see the calculation of slope for purposes of evaluating the Hillside Protection and dwelling units per acre. (Slope Analysis Calculation). According to the HP Density Table, the Maximum Density could be as low as .2du/ac (Table 8-6). Further, I do not see in the Staff recommendations whether this Application has been deemed Level 1 COA, Level II, COA, etc.

From the past public presentations and published information regarding the purposes of HP designation one of several objections is in recognition that the slope and trees are being protected to prevent slides/erosion. It would appear that this project is not preserving existing trees in the areas of proposed development. An additional recommendation was that disruption occurs on the flat/level portions of the property. Again, I do not see in the packet a designation of the existing slope, or a delineation of the existing slope in the actual area of proposed disruption? It appears in the topo map that is part of the MPC packet that several (at least two buildings and three parking areas) of these structures and disruptions are planned on high grade/slope sections of the property and not the more level sections of the property (south side of lot) and do not maximize the portions of the lot that have already been disrupted. The trees that will be removed from this property are also directly adjacent to several homes on Sevierville Pike, whose property owners will bear the increased risk of erosion and slide, not to mention the loss of beauty intended to be protected by this protection. It would appear that if the project proceeds it would be to the benefit of all involved to leave undisturbed a natural barrier between the townhomes built on the northwest side of the property directly adjacent to the existing homes on Sevierville Pike, rather than installing fencing or privacy barriers nearly on the property line. The plan as drawn appears to result in complete deforestation of the HP property for the tract delineated in the plan. Similarly, it would appear that the drive leading up to these units could be shortened or altered to allow the retention of the existing forest behind this proposed development. The result could be a natural buffer remaining to lessen the impact of the construction to include conservation of HP property and trees to include erosion and runoff issues.

Based upon the applicant's explanation of their tree plan, it does not appear that the City's tree protection provisions/their intent, nor the disruption limitations are being honored: "Trees - Total property area = 7.59 acres. 8 trees per acre required.  $7.59 \times 8 = 61$  trees required. 38 trees proposed. 2.3 acres to be undisturbed with preservation of existing trees." The per acre retention rate of trees does not appear to be met. Additionally, as noted above, is 2.3 acres of undisturbed property compliant with the requirement that less than 4 acres are allowed to be disturbed? This would be even less if the actual acreage is as noted in the Comments section of the Staff's recommendations which notes the acreage to be 6.93 acres with 11 existing dwelling units. Alternatively, the applicant lists the tract as 3+ acres which would allow only 18 units assuming a 6 unit or less per acre limitation.

In addition to the above questions and the lack of signage/Notice noted above, as a resident of a neighborhood approximately one to two blocks away from the intersection of E Red Bud and Sevierville Pike, I would like to point out a few issues based on my observation and use of this area with the Comments section of the Staff Recommendations:

1) While some of the townhomes proposed will not be visible from E Red Bud, they will be from Sevierville Pike, and certainly will be from the homes that will constitute the only buffer between Sevierville Pike and the proposed townhomes. Specifically, Buildings 5 and 6 appear to be in the back yard of the homes on Sevierville Pike based upon the drawings submitted with complete removal/deforestation of the existing natural buffer to the lot line through the entirety of the tract delineated;

2) If the total acreage utilized for the units per lot when the disturbance is limited to 4.0 acres x 6 units per acre would be 24 total units. This property already has 11 existing units, which should limit the additional units to 13 rather than 24 to maintain the intent of the LDR plan designation. Additionally, with regard to the HP Zoning district limits as noted above and noted by the Staff, it appears that the proposed disturbance is in excess of 4.0 acres with 2.3 acres noted by the application to remain undisturbed;

3) I would respectfully disagree that the use is compatible in the neighborhood. While this property has other apartment buildings the remainder of the surrounding properties are single family, vacant and open space designated;

4) While I do not live at an adjacent property, based upon the renderings and the proximity of the townhomes on the north side of the lot to the homes on the south side of Sevierville Pike, I believe those homeowners would tell you that the noise and lights alone from the construction and occupation of this project will negatively impact them and the value of their property significantly. Additionally the traffic impact will be significant along E Red Bud and Sevierville Pike. E Red Bud is a “minor collector street” but this project is a block and a half from the intersection with Sevierville Pike which would be the likely road of travel for the additional 265 daily vehicle trips to and from this property. That intersection is controlled with stop signs and has limited sight distance. Additionally, there is frequent neighborhood, bicycle and pedestrian traffic along Sevierville Pike as it functions as a residential street for the homes that are located directly on it, as well as pedestrians attempting to walk from surrounding neighborhoods to the KAT stops and commercial businesses at the intersection of Lancaster and Sevierville Pike and beyond; and

5) Finally, in addition to proximity to Baker Creek, there is a body of water on the property adjacent (to the West) to the proposed development that would appear to have risk of impact should there be any erosion or increased run off issues, including what appear to be headwaters to the creek.

It is my hope that the Planning Commission will seek clarification with regard to the inconsistencies in the application packet regarding Hillside Overlay and Tree issues, and further that it will consider the impact of this project on the neighbors in the immediate vicinity and the existing habitants who walk, bike and drive on an already overused and dangerous route along E Red Bud and Sevierville Pike and that if necessary, will ultimately request the applicant modify their plan to account for these concerns.

Thank you for your consideration,

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