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6536 Autumn Kayla Lane
Knoxville, TN 37918**

November 11, 2024

Knox County Planning Commission
City/County Building
400 Main Street
Knoxville, TN.

Re: Case No. 11-1-24-RZ; Applicant: Mesanna Investments, LLC

OBJECTION TO REZONING REQUEST

Dear Commissioners:

As residents of the Mont Riche'r Subdivision, my wife and I wish to lodge an objection to this application. Having moved last year to this area from St. Augustine, Florida, we are very familiar with the developmental issues surrounding this application and the subject parcel.

Prior to drafting the narrative below, I have reviewed all of the objections and photographs previously filed by other objectors, as well as, the staff report, Knox County's Comprehensive Plan, especially pages 46-47 that detail the County's planned capital improvements to its road infrastructure during the time period 2024 until 2045, and publicly available information regarding the Tennessee Department Of Transportation's ("TDOT") 10 Year Fiscally Constrained Transportation Project Plan. As set forth in more detail below, we share all of the concerns mentioned in previously filed objections, but we also provide our concerns regarding comments and recommendations made in the staff report that have not been previously addressed by the objections on file.

Overall, based upon the discussion below, we believe that it is much too premature for the Planning Commission to make a recommendation on the merits of the application to the Board of County Commissioners without requiring the developer to provide technical reports with additional and relevant data that address the concerns outlined below.

Traffic:

Every objection expresses grave concerns regarding: (1) the currently existing high traffic volumes, which make egress and ingress onto and from Tazewell Pike dangerous and difficult, a condition made significantly worse by the number of vehicles that speed by

traveling as fast as 60-65¹ miles per hour in what is mostly a 40 mph zone; and (2) the dangerous condition of Tazewell Pike itself, including its narrow width, lack of shoulders, poor line of sight visibility to the northeast due to curves in the highway in close proximity to the subject parcel, as well as, structures that interrupt one's view of oncoming southwesterly traffic.

Indeed, the staff report acknowledges the danger and severity of the existing traffic conditions by going so far as to point out traffic concerns as being the most important factor driving its recommendation of a reduction in allowed residential units per acre from the ten requested to five per acre. The report also discusses the high number of personal injury and property damage accidents reported in historical data maintained by AASHTO (American Association of State Highway and Transportation Officials), especially those that have occurred at the intersection at the entrance to Mont Riche'r, which includes a fatality in 2023.²

Significantly, the staff report fails to mention that widening and improvement of Tazewell Pike from Murphy Road to the northeast to Jacksboro Pike to the southwest is not contemplated by the Comprehensive Plan in its list of capital improvements through 2045. Nor are such improvements included in TDOT's 10 Year Fiscally Constrained Transportation Project Plan. Thus, it is fair to conclude that Tazewell Pike will not receive funding for improvements in either the near or distant future and so such improvements cannot be relied upon to mitigate the traffic impacts that development of the subject parcel would create.

Much to the great detriment of Mont Riche'r residents, the staff report recommends the consideration of a road connection extending from the subject parcel to the end of Stokely Lane in the Mont Riche'r Subdivision. Although not expressly mentioned, the staff apparently contemplates that traffic within the subject parcel would flow in a counterclockwise direction and would have ingress only from Tazewell Pike through the narrow frontage of the subject parcel with egress to be provided by the road connection to Stokely Lane, an action that would shift the burden of the physical shortcomings of the subject parcel from the owner and developer to the Mont Riche'r residents. Assuming 58 residential units as recommended by staff and further assuming two vehicles per household, that action would add approximately 116 vehicles to Stokely Lane and Bellerive Avenue, both of which are quiet streets that are now very lightly traveled. In addition, the level of danger now experienced at the Mont Riche'r intersection would be significantly

¹ Just in the last week a vehicle passed my wife going 61 mph as measured by the speed limit clock at Shannondale Drive.

² On the evening of November 8th at approximately 8:30 PM I witnessed a two car accident in the northeast lane of Tazewell Pike at the entrance to the Fountain Gate development as I was traveling towards Fountain City.

increased unless the developer was required to install a traffic signal at that intersection.³ Such a device is further mandated by the absence of any funding for the improvement to Tazewell Pike.

Furthermore, as outlined below, a road connection for the subject parcel may not be physically possible due to both its geological conditions and history of flooding.

Flooding:

Objections and pictures already posted articulate and demonstrate that heavy rains cause flooding in both the front and rear of the subject parcel. Severe flooding can extend nearly the entire width of the property in low lying areas. According to the topographic map made part of the staff report, the altitude of the property varies from 990 feet above sea level at its lowest point in the front of the property to its highest elevation of 1030 feet at the rear, a difference of 40 feet. I have been informed by a long time resident of Mont Riche'r that water can reach waist high depths during flooding events.

The watershed that drains towards the subject parcel consists of hundreds of acres on both the parcel's northwestern and northeastern sides. Two streams cross the parcel, the head waters of one apparently originates at a spring on the parcel. Those two streams merge at the entrance to Fountain Gate with a third stream and that confluence floods Tazewell Pike during heavy rains.

The staff report tacitly acknowledges that flooding limits the areas of the parcel that are buildable. For that reason, staff finds the PR zone coupled with a 5 unit per acre limitation to be appropriate because it would avoid excessive aggregation of residential units, thus greatly reducing the development's compatibility with the RB zone to the northwest and Bradford Place's PR zone to the southwest.

However, the staff report does not address two important considerations: (1) The first is that if flooding creates non-contiguous islands of buildability caused by the parcel's topography, the report does not explain how those islands could be effectively connected so that the developer could build upon them; (2) Second, the report does not provide the site specific data that the staff relied upon in arriving at the number 5 instead of, for example, the number 4, which would be more compatible with the zones that border the subject parcel. Instead, the staff relied on very broad and vague policy statements contained within the Comprehensive Plan that are aspirational and not site specific.

³ Please note that the speed limit at the Mont Riche'r intersection is 25 mph. It is never enforced despite vehicles traveling at high velocities. A traffic signal installed even now would help to reduce the speeding problem that currently exists at that location and commensurately reduce the present high number of collisions noted by AASHTO.

Climate change has greatly weakened the credibility of 30 year FEMA flood plain maps for predicting the contours of future floods so as to facilitate development. Now, it is not unusual to have 500 year flood events, the extent of which and the contours of which cannot be predicted by the commonly used 30 year FEMA maps. We need only look to the very recent flooding event in Ashville, North Carolina, caused by Hurricane Helena in order to confirm that rationale. Thus, the only way to determine how much, if any, of the subject parcel is buildable, and, thus, the appropriate unit density, is to obtain site specific technical data first.

Geological Features and Sinkholes:

Having lived in both Central Florida and in St. Augustine over the last eight years we are very familiar with sinkholes and the huge problems they can cause. Florida's problem became so bad during that time period that the Florida legislature passed a statute that rigorously addressed the problem. The statute requires the Clerk in each county to create a sinkhole registry. Any homeowner who experiences a sinkhole event must report that event by means of an affidavit that is publicly recorded with the Clerk in order to update the sinkhole registry and to put prospective buyers on notice. Thus, when titles to properties are searched by title companies, a search of the sinkhole registry is also conducted. Even if the sinkhole has been remediated, the home owner must still register the event with the Clerk. The result is that, not only is the prospective buyer of that specific property put on notice, but the notice also makes other buyers reluctant to purchase homes that are either directly adjacent to the subject property or in close proximity to it.

A second problem that arises from sinkholes is the issue of insurability. Homeowners insurance carriers will not provide coverage for sinkholes where damage is less than catastrophic. By statute those companies are required to cover catastrophic loss meaning that the subject home must be condemned by the public building inspection authority and declared to be uninhabitable. Partial damage or sinkholes in the front yard are not covered.

As it relates to the subject parcel, several objectors have listed a sinkhole at the rear of the subject parcel. The staff report does likewise. Some of the objectors also describe a sinkhole that occurred a few years ago in the apartment complex, Cottages at Tazewell, which lies directly across Tazewell from the subject parcel. In that instance, very expensive and very extensive efforts were necessary to remediate the sinkhole and eliminate the subsidence.

Several objectors also mention underground caves. What they are describing may, in fact, be sinkholes or the phenomena may be some other type of geological malformation. In either event, the entire area of the subject parcel must be investigated in order to insure public safety and home insurability.

Just like flooding, any sinkholes and other undesirable geological features that are present will reduce the area of the subject parcel that is buildable. Only site specific

technical data can confirm the existence, nature, and scope of the problem.

Conclusion:

Only by requiring the developer to provide site specific data to the Planning Commission can this Commission make a proper recommendation to the Board of County Commissioners. Because flooding, sinkholes, and traffic are such salient issues and because any one or a combination of those issues, once examined by technical experts, could render the entirety of the subject parcel unbuildable or, at a minimum, uneconomical, we suggest that the technical studies required be performed in that chronological sequence.

We further suggest that a hydraulic survey be prepared for the subject parcel in order to accurately gauge the risk and scope of potential flooding events. To address the sinkhole issue, we suggest that a geotechnical assessment of the subject parcel be performed by a qualified geologist or other qualified geotechnical expert and that an ample number of coring samples be extracted and examined. Finally, we recommend that a traffic study be performed in order to see if traffic concerns and the developer's limited options for addressing them support the recommendation of denial of the rezoning application.

While we recognize that technical reports are not typically required as early as the rezoning phase of a development project, but rather they are typically required during the developmental plan approval phase, we strongly suggest that this is not a typical situation. Normally, technical reports may result in adjustments to the development plan, but not in an outright rejection of the development plan. In this instance, however, any one or any combination of the technical reports suggested has the very real potential to defeat the rezoning application on its merits. Thus, both for expediency and for procedural efficiency, we recommend that the technical reports be required now, rather than later. So, we respectfully request that the application for rezoning be tabled by the Planning Commission until such time as the technical reports previously discussed are received and approved by it.

Respectfully submitted,

/s/ Arnold E. Shaheen, Jr.

/s/ Jeanne M. Shaheen