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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.

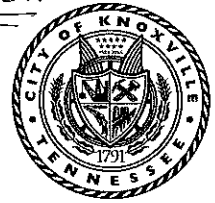
Finally, we would note that potential four story buildings atop the existing hill encompassing the Phase II property will look ridiculous and out of character with the neighborhood. We recognize that the proposed Phase II population density is within approved limits so that MPC likely will not object 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/drainageway/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) Commence 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