



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
USE ON REVIEW REPORT**

▶ **FILE #:** 6-F-09-UR

AGENDA ITEM #: 51

AGENDA DATE: 6/11/2009

▶ **APPLICANT:** **DUNCAN CONSTRUCTION / SENTINEL BUILDERS & THE JOSHUA'S LANDING HOMEOWNERS ASSOCIATION**

OWNER(S): DON & ROSA JOSHUA'S LANDING HOMEOWNERS ASSOCIATION
DUNCAN

TAX ID NUMBER: 49 028

JURISDICTION: City Council District 4

▶ **LOCATION:** **Southeast side of Tazewell Pk., southwest of Anderson Rd.**

▶ **APPX. SIZE OF TRACT:** **18.5 acres**

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Tazewell Pk., a minor arterial street with a pavement width of 20' within a 50' wide right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

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

▶ **EXISTING LAND USE:**

▶ **PROPOSED USE:** **Attached residential development**

3.95 du/ac

HISTORY OF ZONING: The RP-1 zoning classification was placed on this site in 2008 (2-D-08-RZ) shortly after annexation into the City of Knoxville

SURROUNDING LAND USE AND ZONING: North: Detached and attached residential development / R-1, R-1/ NC-1, R-2 & RB residential zones

South: Detached dwellings / R-1 & RB residential zones

East: Detached and attached dwellings / RB & PR residential zones

West: Church & detached dwellings / R-1 residential

NEIGHBORHOOD CONTEXT: Zoning in the area consists of R-1, R-1 / NC-1, R-2, RB and PR residential. The older development in the area consists primarily of detached dwellings. Developments containing attached dwellings have been constructed in recent years.

STAFF RECOMMENDATION:

▶ **APPROVE the request for up 71 attached dwellings as shown on the development plan subject to 9 conditions**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
2. Meeting all applicable requirements of the Knoxville Dept. of Engineering
3. Meeting all applicable requirements of the Knoxville City Arborist
4. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept

5. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permits for each individual dwelling unit
6. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation
7. Construction of the sidewalks as shown on the development plan. The sidewalks are to be a minimum of 5' wide with a 2' wide planting strip behind the curb. Sidewalk construction is to be completed as each unit is constructed or precede the construction of the dwellings
8. Establishment of a homeowners association for the purpose of maintaining all drainage structures / improvements and all other commonly held assets
9. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining any building permits

COMMENTS:

The applicant is requesting approval of a development plan for 71 attached dwellings on this 18.5 acre site. This request is different from the requests that normally come before MPC because the site is already developed with the roads, utilities and drainage improvements in place. Additionally, twenty-nine of the dwelling units have been constructed. Development of this site began in 2005 under the requirements of the RB (General Residential) Zone while the site was located in Knox county outside of the city of Knoxville. The development was annexed by the City in 2008. At that time the applicant had building permits, obtained from the Knox County Codes Administration Department, for all of the proposed units in the project. At the time of annexation the City agreed to allow the construction of the remaining dwellings based on the County building permits. Due to the weakening of the economy sales of the dwellings slowed significantly. In response to the slower sales, the applicant halted construction on the remaining units. With no building activity ongoing the building permits lapsed and could not be reissued by the County because the site was now in the City. Since the property had been annexed, to proceed with the project building permits will now have to be obtained from the City.

At the time the property was annexed into the City, RP-1 (Planned Residential) zoning was approved for the site. The RP-1 zone requires that a development plan be approved by MPC prior to the issuance of site development and building permits. The applicants are not requesting site development permits since all of that work has been completed. They need approval of the development plan in order to obtain building permits to finish out the project.

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

1. Public water and sewer utilities are available to serve the site.
2. With an estimated 11 school age children, there will be minimal impact on the public school system.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the recommended conditions, the proposal meets all requirements of the RP-1 zoning as well as the general criteria for approval of a use-on-review.
2. The proposed housing development is consistent with the following general standards for uses permitted on review: The proposal 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 substantial additional traffic through residential areas since the development is located on an arterial street. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The North City Sector Plan designates this site for medium density residential use. The proposed development density of 3.95 du/ac is within the low density residential range.
2. The site is located within the City of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT 701 (average daily vehicle trips)

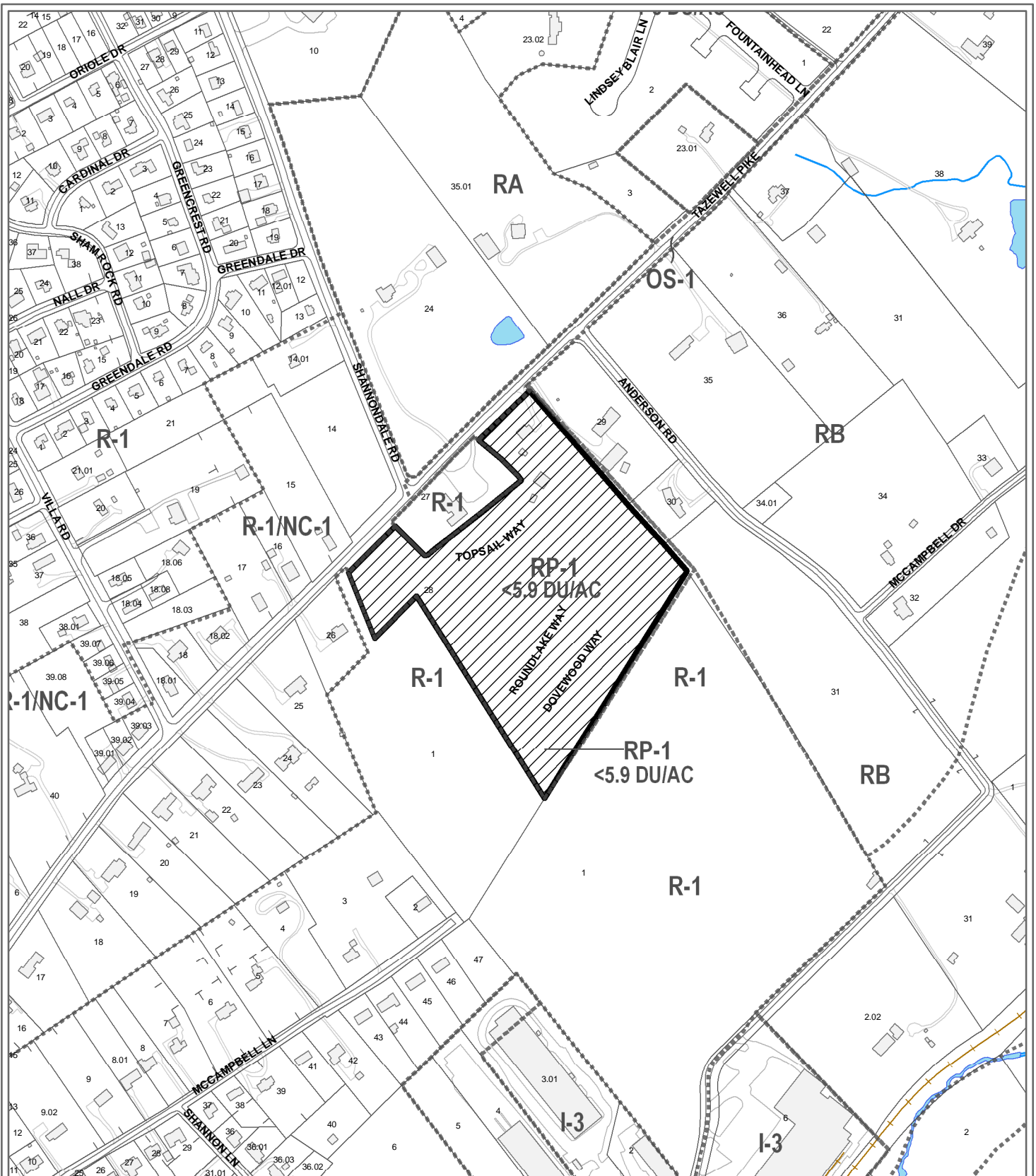
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 11 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Shannondale Elementary, Gresham Middle, and Central 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.



**6-F-09-UR
USE ON REVIEW**



Attached residential development in RP-1 (Planned Residential)

Original Print Date: 5/20/2009
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Duncan Construction / Sentinel Builders & The Joshua's Landing Homeowners Association

Map No: 49

Jurisdiction: City



G-F-09-UR



ROBERT G. CAMPBELL & ASSOCIATES, L.P.

7523 TAGGART LANE
KNOXVILLE, TN 37938
(865) 947-5996
FAX (865) 947-7556
e-mail: Robert.Campbell@rgc-a.com

April 27, 2009

Mr. Dan Kelly
Metropolitan Planning Commission
Development Services Manager

Re: Joshua's Landing Condominium Development Plan/Use on Review

Mr. Kelly,

I am enclosing the Use on Review request for the development plan of the above referenced project. As you are probably aware this project was approved for construction and development under RB zoning in Knox County. After several units were constructed and the infrastructure (roads, drainage, water, sewer, electricity, telephone, gas and cable) were installed the property was annexed into the City of Knoxville under RP-1 zoning. This was not an exact comparable zoning. The exact comparable zoning would have been R-2, but the City informed us that they were no longer asking for this zoning in annexation cases. We were told at that time that the City would honor every permit and we could continue as normal.

The downturn of the economy caused a cessation of building condominiums for a period of time. This allowed the previously approved county building permits to expire. When the builder went to get new permits, he was told he did not have an approved development plan (even though the entire development was complete) and permits could not be issued. Our development conforms to every requirement of the RP-1 zone with the exception of an MPC approved development plan (the original zoning required no such plan).

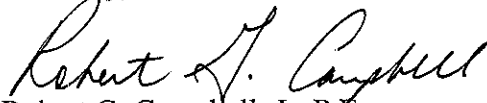
We therefore submit to you the entirety of our development efforts that began five (5) years and \$65,000,000 dollars ago. The following is a list of the items we are submitting:

- 1) Use on review/ Development plan form
- 2) Use on review/ Development plan – plan previously approved by Knox County Engineering
- 3) Approved Stormwater and Pollution Prevention Plan (SWPPP)
- 4) Landscape and Amenity plan w/ photos of current landscaping and amenity
- 5) Architectural Elevations and floor plans of constructed and proposed units

- 6) Approved Final Plat
- 7) Approved City of Knoxville Entrance permit
- 8) Approved water and sewer plans
- 9) All approved permits
 - a. Grading permit from Knox County
 - b. NPDES permit approval letter – additional wetland protection measures were included in this permit
 - c. TDOI approved entrance permit
 - d. Class V Injection Well Permit Approval
 - e. Aquatic Resource Alteration Permit (ARAP)
 - f. KUB approved water plan
 - g. KUB approved sewer plan
 - h. Approved BZA variance to allow stormwater detention in depressed area.
 - i. Site photographs

We request that approval be granted for the development plan so that the original plan can be completed. Please let me know if you have any questions.

Sincerely,



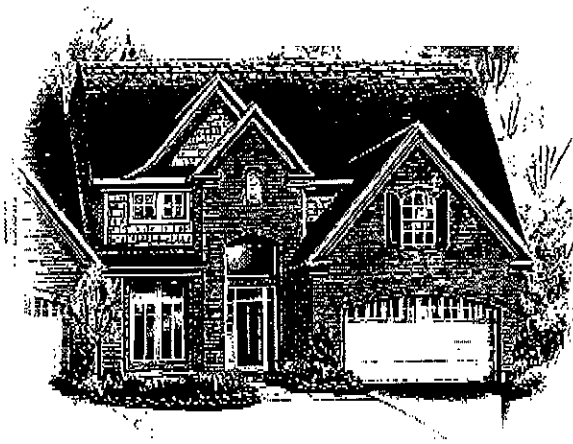
Robert G. Campbell, Jr P.E.

Vice President

The Amesbury

at Joshua's Landing

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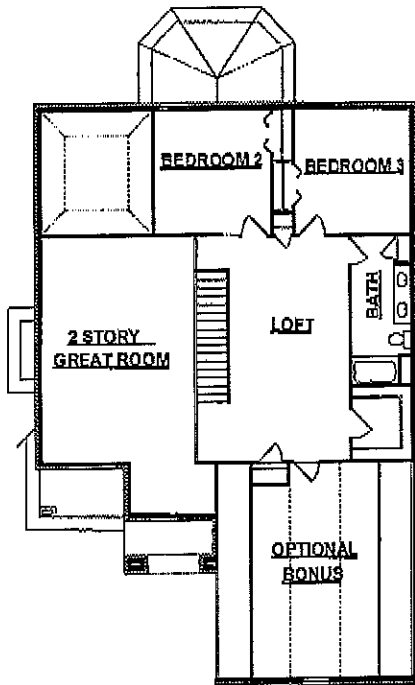
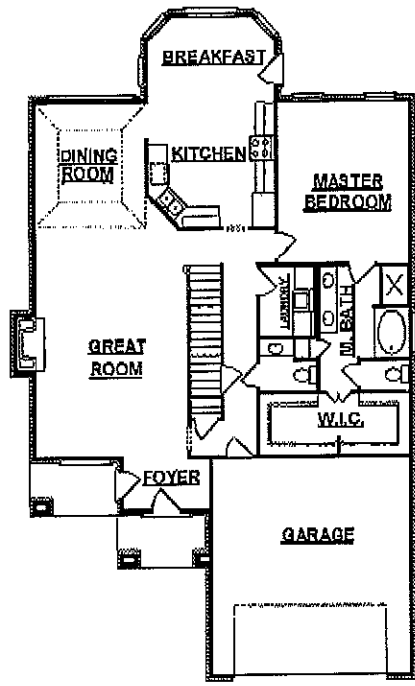
Total Heated SF: 2,498
 Floor 1 SF: 1,637
 Floor 2 SF: 861
 Bonus Room SF:
 Basement SF:
 Unfinished Bonus SF: 288
 Garage SF: 479
 Unfinished Basement SF: 1,637
 Unfinished Storage SF:

Lot No: 62 JL
 Job Address: 4620 Topsail Way
 Knoxville TN 37918

As of August 11, 2006

Interior Unit Price: \$315,900

End Unit Price:



865-694-5904

Judy Teasley

MPO June 11, 2009

Floor plans and Elevations are subject to change. Floor plan dimensions are approximate. Floor plan dimensions may change depending the size of the unit. Consult working drawings for actual dimensions and Information Elevations are artist's conceptions. Builder reserves right to change or alter floor plans.

Please review specification sheet
 Pricing subject to change without notice.
 Sentinel Builders Inc 865 671 9196



Agenda Item # 51

Amesbury ROOM SIZES

5

All room sizes and square feet listings are approximate.

Master Bedroom: 13'8x16
Bed 2: 12x12'4
Bed 3: 12'4x12'4
Bed 4: N/A
Master Bath: 12'8x9'4
Bath 2: 15'x6'8
Bath 3: N/A
Bath 4: N/A
Half Bath: N/A
Great/Family Room: 16'1x23'
Dining Room: 11'8x12'8
Keeping Room: N/A

Kitchen: 13'5x12'8
Breakfast: 8'8x13'5
Bonus Room: 21'8x13'4(Opt.)
Garage: 20'9x21'8
Storage: N/A
Laundry: 5'10x7'1
Deck: N/A
Patio: 14x10
Porch: 9'4x5'4

SPECIAL FEATURES

Features listed below are in addition to or in place of standard features listed on the specification sheet.

01. Low-maintenance exterior featuring brick and vinyl shakes
02. Ceramic tile bathrooms, laundry, kitchen, breakfast
03. Hardwood entry floor
04. Prewire for security system
05. NuWool Insulation with a 25 year warranty
06. Main-Level Master bedrooms
07. Seperate tub and shower in master bathroom
08. Electric range, Microwave, and Dishwasher included
09. Crown molding throughout the first floor
10. Vented gas fireplace with gas logs
11. Large base moldings throughout home
12. Optional Bonus Room
13. Optional Screen Porch
14. Optional Sun Room
15. Underground utilities
16. Sidewalks
17. Street lamps
18. Knox County taxes

Unfinished Basement

Lot No: 62 JL
 Job Address: 4620 Topsail Way
 Knoxville, TN 37918
MPC June 11, 2009



The Wellington

at Joshua's Landing

5

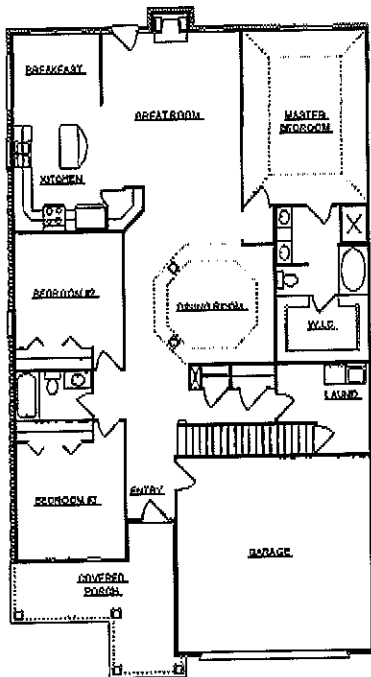


Total Heated SF: 1,973
 Floor 1 SF: 1,973
 Floor 2 SF:
 Bonus Room SF:
 Basement SF:
 Unfinished Bonus SF: 470
 Garage SF: 481
 Unfinished Basement SF:
 Unfinished Storage SF:

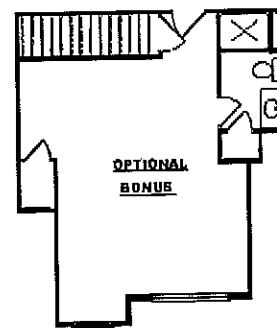
Lot No: Wellington -- A (JL)
 Job Address:

As of

Interior Unit Price: **\$234,000**
 End Unit Price:



Floor 1



Optional Bonus



865-694-5904

Judy Teasley
MPCad June 10, 2009

Floor plans and Elevations are subject to change. Floor plan dimensions are approximate. Floor plan dimensions may change depending the size of the unit. Consult working drawings for actual dimensions and information. Elevations are artist's conceptions. Builder reserves right to change or alter floor plans.

Please review specification sheet.
 Pricing subject to change without notice.
 Sentinel Builders Inc 865.671.9196



Agenda Item # 51

Wellington
ROOM SIZES

5

All room sizes and square foot listings are approxin.

Master Bedroom:	13'8x18'1	Kitchen:	9'8x11
Bed 2:	12x12'1	Breakfast:	9'8x9'6
Bed 3:	12x12'1	Bonus Room:	15'6x21'9
Bed 4:	N/A	Garage:	20'4x21'8
Master Bath:	10'1x9'4	Storage:	N/A
Bath 2:	8'6x5	Laundry:	6x6
Bath 3:	5x9 (Optional)	Deck:	N/A
Bath 4:	N/A	Patio:	16x12
Half Bath:	N/A	Porch:	6x18
Great/Family Room:	18'6x15'5		
Dining Room:	12'5x13'6		
Keeping Room:	N/A		

SPECIAL FEATURES*Features listed below are in addition to or in place of standard features listed on the specification sheet*

01. Low-maintenance exterior featuring brick and vinyl shakes
02. Vinyl Flooring: Bathrooms, laundry, kitchen, breakfast
03. Hardwood Flooring: Foyer
04. Prewire for security system
05. Cellulose Insulation
06. Main-Level Master bedrooms
07. Separate tub and shower in master bathroom
08. Electric Range, Microwave, and Dishwasher included
09. Crown molding throughout the first floor
10. Large base moldings throughout home
11. Optional Gas Fireplace
12. Optional Bonus Room
13. Optional Screen Porch
14. Optional Sun Room
15. Underground utilities
16. Street lamps

Lot No: Wellington --

Job Address:

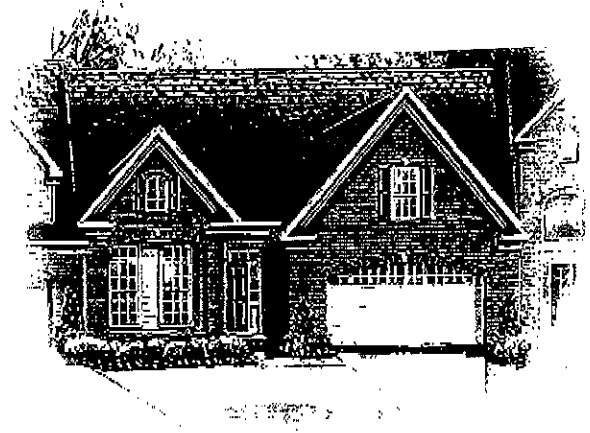
MPC June 11, 2009



Agenda Item # 51

The
Brentwood
 at Joshua's Landing

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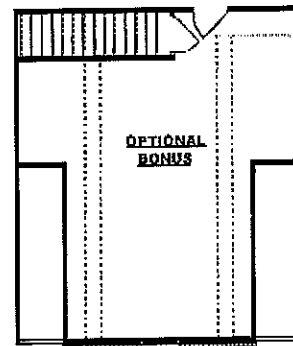
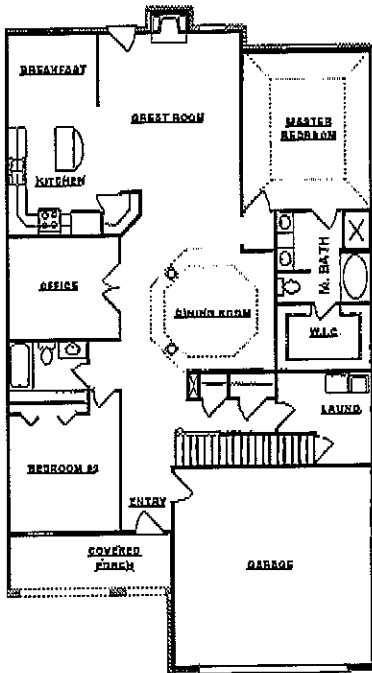


Total Heated SF: 1,916
 Floor 1 SF: 1,916
 Floor 2 SF:
 Bonus Room SF:
 Basement SF:
 Unfinished Bonus SF: 385
 Garage SF: 422
 Unfinished Basement SF:
 Unfinished Storage SF:

Lot No: Brentwood
 Job Address:

As of

Interior Unit Price: \$222,500
End Unit Price:



Floor 1

Optional Bonus



865-694-6904

Judy Teasley

MPC June 11, 2009

Floor plans and Elevations are subject to change. Floor plan dimensions are approximate. Floor plan dimensions may change depending on the size of the unit. Consult working drawings for actual dimensions and information. Elevations are artist's conceptions. Builder reserves right to change or alter floor plans.

Please review specification sheet.
 Pricing subject to change without notice.
 Sentinel Builders Inc 865.671.9196



Agenda Item # 51

Brentwood

ROOM SIZES

#5

All room sizes and square feet listings are approxi

Master Bedroom:	13'8x16	Kitchen:	9'8x11
Bed 2:	12x12'1	Breakfast:	9'8x9'6
Bed 3:	N/A	Bonus Room:	14x21
Bed 4:	N/A	Garage:	21'8x20'5
Master Bath:	10x9'4	Storage:	N/A
Bath 2:	8'6x5	Laundry:	6x6
Bath 3:	N/A	Deck:	N/A
Bath 4:	N/A	Patio:	16x12
Half Bath:	N/A	Porch:	18x6
Great/Family Room:	15'5x18'6	Office/Den:	12x10'5
Dining Room:	12'6x13'6		
Keeping Room:	N/A		

SPECIAL FEATURES

Features listed below are in addition to or in place of standard features listed on the specification sheet.

01. Low-maintenance exterior featuring brick and vinyl shakes
02. Vinyl Flooring: Bathrooms, laundry, kitchen, breakfast
03. Hardwood Flooring: Foyer
04. Prewire for security system
05. Cellulose Insulation
06. Main-Level Master bedrooms
07. Separate tub and shower in master bathroom
08. Electric range, Microwave, and Dishwasher included
09. Crown molding throughout the first floor
10. Large base moldings throughout home
11. Optional Gas Fireplace
12. Optional Bonus Room
13. Optional Screen Porch
14. Optional Sun Room
15. Underground utilities
16. Street Lamps

Lot No: Brentwood
Job Address:
MPC June 11, 2009



#9a

GRADING PERMIT

(Expires 1 year from date issued)

NON-TRANSFERABLE

Knox County
Department of
Codes/Engineering
Codes: 215-2325
Eng: 215-5825



JOSHUA'S LANDING

Grading Permit# 104-132

Date: 5/9/05

Acres Disturbed: 20

Job Address: Taneywell PK

Acres Total: 31

CLT#: 59 BH Parcel # 1 Zone: RB

Issued By: Jea J.

Name and Address

Phone #

Owner: DON DUNCAN 281-2569

Contractor: _____

Architect: _____

Engineer: ROBERT CAMPBELL 947-5996

Flood Plain Development Permit Required? Yes No

Erosion and Drainage Control Plan Approved By The Division Of Engineering? Yes _____ No

Bond Required By The Division Of Engineering? Yes No

Entrance To Site Located On State Highway Yes No

(All Construction On A State Highway Other Than A Single Family Residential Will Require a "Right-Of-Way" Permit From State D.O.T.)

TDEC Construction? Yes _____ No If yes, provide a copy to Knox County Engineering.

TVA? Yes No If yes, provide a copy to Knox County Engineering.

Note: This grading permit issued by Knox County does **NOT** release the applicant from obtaining other required federal, state and local permits (e.g. ARAP, Corps of Engineers, etc.). Also, **ALL** permits should be posted at job site.

Begin Construction Date: immediate End Construction Date: Permit good 1-yr

Describe Work: Grading

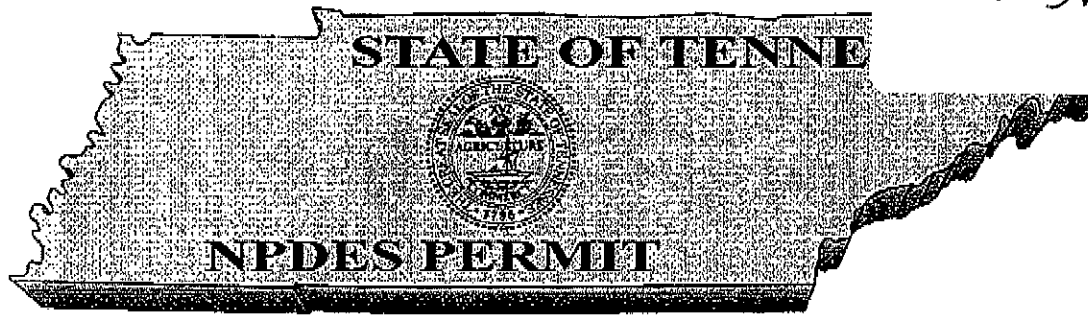
Future Use Of Site: residential S/D

I, THE UNDERSIGNED OWNER OR AGENT, UNDERSTAND ALL THE REQUIREMENTS STATED ON THIS PERMIT AND ANY ATTACHED SITE PLANS AND/OR LETTERS. I ALSO UNDERSTAND THAT FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL CONSTITUTE A VIOLATION OF THE KNOX COUNTY ZONING REGULATIONS AND SUBSEQUENT LEGAL ACTION BY KNOX COUNTY.

Don Duncan
SIGNATURE OF OWNER OR CONTRACTOR

5/9/05
DATE OF SIGNATURE

96 #10



Tracking No. TNR1301132

General NPDES Permit for
**STORM WATER DISCHARGES ASSOCIATED WITH
 CONSTRUCTION ACTIVITY**

Tennessee Department of Environment and Conservation
 Division of Water Pollution Control
 401 Church Street, 6th Floor, L&C Annex
 Nashville, Tennessee 37243-1534

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.):

Name of the Construction Project: **Joshua's Landing**
 Construction Site Owner/Developer: **Don Duncan**
 and Contractor(s) (if applicable): No contractors were identified on the Notice of Intent.
 are authorized to discharge: storm water associated with construction activity
 from facility location: **Tazewell Pike in Knox County**
 to receiving waters named: **Wetland, Whites Creek**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

Likely presence of threatened or endangered species in project vicinity or downstream: **YES**

Additional pollution prevention requirements, as described in the General Permit, Part III F, for discharges into waters which the Department identifies as:

a) impaired by siltation: **NO** b) discharging into High Quality Waters: **YES**

Coverage under this general permit shall become effective on **March 14, 2005**, and shall be terminated upon approval of Notice of Termination, or the date of expiration of this General Permit.

Paul E. Davis

Paul E. Davis, Director
 Division of Water Pollution Control
 RDAs 2352 and 2366

CN-0759

#96 #12



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
ENVIRONMENTAL ASSISTANCE CENTER
2700 MIDDLEBROOK PIKE, SUITE 220
KNOXVILLE, TENNESSEE 37921-5602
PHONE (865) 594-6035 STATEWIDE 1-888-891-8332 FAX (865) 594-6105

March 14, 2005

Mr. Don Duncan
5301 White Blossom Way
Knoxville, TN 37918

Re: NPDES Permit Tracking No. TNR1301132

Joshua's Landing
Knox County

Dear Mr. Duncan:

The Division of Water Pollution Control hereby notifies you that the referenced facility is permitted under NPDES permit number TNR100000 for storm water discharges associated with construction activity. This notification is sent in response to the Notice of Intent (NOI) we received on November 24, 2004. Enclosed are a Notice of Coverage (NOC), which shows the facility name, effective date of coverage, etc. (if you find any of this information incorrect, please call us), and a copy of the permit itself.

A contractor has not been identified as of the date of this correspondence. All contractors responsible for implementing and maintaining the sediment and erosion controls identified in the Storm Water Pollution Prevention Plan must identify themselves to the Division through submittal of a signed NOI. Please have your contractors identify the project with the NPDES Tracking number (TNR1301132).

The wetland receiving treated storm water from this construction site has been identified as Tier II or high quality waters. Since the discharge from the proposed construction site may contain significant amounts of silt, the Division considers the potential for degradation the receiving wetland to be significant. Therefore, additional pollution prevention requirements described in the General Permit, Part III.F apply to your facility.

As noted on the enclosed NOC, the Division identified State or Federal listed aquatic fauna in the area, or downstream of, your project site. Be aware that discharges from your construction site that result in harm to such species may incur additional fines and penalties from the US Fish and Wildlife Service and/or the Tennessee Wildlife Resources Agency.

NPDES Permit TNR100000
NPDES Tracking TNR1301132
March 14, 2005
Page 2

96 ~~# 92~~

We appreciate your attention to this permit and its requirements. We believe this does make a difference to the quality of State waters. If you have any questions, please contact Baxter Wilson at (865)594-5538.

Sincerely,



Natalie R. Harris
Environmental Field Office Manager
Division of Water Pollution Control

Enclosures

cc: TNR1301132

9c



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
7345 REGION LANE
KNOXVILLE, TENNESSEE 37914

GERALD NICELY
COMMISSIONER

PHIL BREDESEN
GOVERNOR

February 18, 2005

Duncan Construction Company
DBA: Don W. Duncan
5310 White Blossom Way
Knoxville, TN 37918

RE: Highway Entrance Permit
Permittee: Joshua's Landing
State Route: 331
County: Knox

Dear Sir:

Enclosed is a copy of the fully approved Highway Entrance Permit, with drawing attached, issued by the State of Tennessee to the above captioned property owner.

The date of the permit is February 18, 2005.

At such time as construction on the right-of-way of completed, you are requested to contact the Department of Transportation of such in order that the construction may be inspected. If the work performed under the permit is in accordance with the permit design, a release will be issued reimbursing you for your check or cancellation of the surety bond.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred B. Corum".

Fred B. Corum
Regional Director

FBC/js
Enclosure

c: Mr. Jim Lawson

9c

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
HIGHWAY ENTRANCE PERMIT

THIS PERMIT is issued to Duncan Construction Company/Joshua's Landing hereinafter referred to as the "PERMITTEE", under the provisions of Section 54-5-301 - 54-5-303, Tennessee Code Annotated, and the Rules and Regulations adopted pursuant thereto by the Commissioner of the Department of Transportation, hereinafter referred to as "COMMISSIONER".

This Permit is issued subject to conditions that follow, for the breach of any one of which the Commissioner may revoke his Permit at his option. In the event of such revocation, all rights granted under this Permit shall be withdrawn and any improvements placed upon the right-of-way under the authority of this Permit must be removed by the PERMITTEE and the right-of-way restored to its former condition at the sole expense of the PERMITTEE. Should the PERMITTEE fail or refuse to so restore the right-of-way upon revocation of this Permit the Department of Transportation may step in and perform such work charging the cost of same to the PERMITTEE.

The highway entrance shall be located and the improvements constructed upon the right-of-way as shown upon the design and specifications attached hereto and made a part of this Permit. Said design and specifications being

Tennessee Department of Transportation drawing number 1-47-331

All work shall be performed according to the Rules and Regulations above set out which are hereby incorporated

herein by reference and shall be completed by 2-18-2006 or at such time as the business is put into operation before this date.

The PERMITTEE shall comply with all applicable Federal and State laws and regulations in performing the conditions and privileges set forth in the Permit, and shall hold harmless and indemnify the State of Tennessee, the Tennessee Department of Transportation and any and all officials and employees of same from any claims for damages resulting from the exercise of any of the privileges granted under this permit, and to this end, the PERMITTEE shall carry liability insurance with an insurer and in a form acceptable to the State. Proof of said insurance shall be furnished to the State in the form of an insurance certificate indicating coverage which shall match the exposure of the State to claims for negligence as set forth in Tenn. Code Ann. § 9-8-307 as it may be from time to time amended and construed. Said limits are currently three hundred thousand dollars (\$300,000) per person and one million dollars (\$1,000,000.00) per claim. Said limits shall apply equally to claims for personal injury and property damage. Such insurance shall remain in full force and effect from the beginning of construction on the right-of-way until such construction on the right-of-way has been completed and approved, in writing, by the Tennessee Department of Transportation.

If the improvements placed upon the right-of-way fail to meet the design specifications, which are attached hereto and made a part of this Permit, at any time within 6 months after the approval by the Department of the

completed construction on the right-of-way, the PERMITTEE will immediately take steps to bring such improvement up to said design specifications upon being requested to do so by the Department. If the PERMITTEE shall fail or refuse to do such work as may be necessary to bring said improvements back to the said design specifications within said period, the COMMISSIONER may, at his option, have the Department do such work as may be necessary to bring said improvement back up to said design specifications and charge the cost of said work to the PERMITTEE.

The PERMITTEE shall post a bond with good and sufficient Surety, acceptable to the Department of Transportation, guaranteeing the performance of the terms and conditions of this Permit. This Permit shall not become effective unless and until such bond has been posted with the Department of Transportation.

By acceptance of this Permit and the exercise of the privileges granted thereunder, the PERMITTEE, in consideration hereof, agrees that this Permit may be revoked by the COMMISSIONER at any time when, in his discretion, the public interest requires such revocation, without any liability whatsoever on the part of the State. It is understood that such revocation shall not in any way impair any rights of ingress and egress to the highway which may be vested in the PERMITTEE by law.

Issued this the 18th day of February, ~~2003~~ 2005

CONTRACTOR

[Signature]
(To be signed only when certificate of general liability insurance is furnished by contractor.)

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

By

[Signature]
Commissioner

Proved as to form and legality:

By

[Signature]
Regional Transportation Director

PERMITTEE

X By

[Signature]

[Signature] 1/27/03
MPC June 11, 2009



9d

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF WATER SUPPLY
GROUND WATER MANAGEMENT SECTION

9th Floor, 401 Church Street
Nashville, Tennessee 37243-1539
Phone: (615) 532-0191; Fax: (615) 532-0503

April 20, 2005

Mr. Don Duncan
5301 White Blossom Way
Knoxville, Tennessee 37918

RE: Class V Injection Well Permit Application Approval
Joshua's Landing Subdivision
Knoxville, Knox County, Tennessee
UIC File #KNX-0000170

Mr. Duncan:

The Division of Water Supply has reviewed your submittal of an Application for Authorization for a permit to discharge stormwater runoff to three (3) sinkholes at the proposed Joshua's Landing Subdivision, Knoxville, Knox County, Tennessee. The Division considers your application complete dated February 21, 2005.

Sediment and erosion control measures should be used in the area around the sinkhole(s). The sediment and erosion control measures should be installed according to the guidelines in the Tennessee Erosion and Sediment Control Handbook. It will be necessary to install the silt fence and straw bales along the entire edge of the sinkhole and around any potential conduit that the water may use to enter the ground water prior to any construction. It should be noted that silt fences are used as temporary diversion features and generally have a life expectancy of three (3) months. The silt fence and straw bales must remain in place and in good working condition throughout the entire development of the property, and until the disturbed area has been stabilized.

All straw bales shall be placed in a single row, with ends of adjacent bales tightly abutting on another. The barrier shall be entrenched and backfilled. A trench shall be excavated the width of a bale and the length of the proposed barrier to a minimum depth of four (4) inches. After the bales are staked and chinked, the excavated soil shall conform to the ground level on the down gradient side and shall be built up to four (4) inches against the up gradient side of the barrier.

9d

Mr. Don Duncan
Class V Injection Well Application Approval
Joshua's Landing Subdivision
Knoxville, Knox County, Tennessee
UIC File #KNX-0000170
April 20, 2005
Page 2

After every storm event the entire silt fence must be inspected and any needed repairs done at that time. Should any damage occur due to traffic or any other activity the fence must be repaired before the end of each workday. Straw bale barriers shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. Necessary repairs to barriers or replacement of bales shall be accomplished promptly. Sediment deposits must be removed when the level of deposition reaches approximately one-half the height of the barrier. Any sediment deposits remaining in place after the straw bale barrier is no longer required should be dressed to conform to the existing grade, prepared and seeded.

If at any time during the clearing or construction of the property other karst features are discovered then all work around the area is to stop. Erosion control devices straw bales and silt fence are to be placed and this Division is to be notified within twenty-four (24) hours of the discovery.

Extreme caution should be used in the filling and construction of commercial or residential properties on or in a sinkhole. A sinkhole by nature is an unstable geologic area, which has no permanent means of stabilization and is subject to times of movement and settling. This uncontrollable movement may cause some damage to any permanent structure placed on or around the karst feature. The State of Tennessee assumes no responsibility in potential consequences of building on filled depressions of any kind at any time.

It should be noted that the Division's review of this permit application was limited to water quality issues. The review did not include an evaluation of the property's potential to flood or of possible flooding impacts on adjacent properties due to modification of drainage patterns on karst features. The stormwater management and drainage requirements of local zoning regulations should be followed.

If at any time the Division learns that a ground water discharge system may be in violation of The Tennessee Water Quality Control Act, the Division shall:

- a. Require the injector to apply for an individual permit;
- b. order the injector to take such actions including, where required, closure of the injection well as may be necessary to prevent the violation; or
- c. take enforcement action

All groundwater discharge activities must operate in such a manner that they do not present a hazard to groundwater.

The owner/operator shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the owner/operator to achieve compliance

with the conditions of this authorization. Proper operation and maintenance included effective performance, adequate funding, and appropriate quality assurance procedures.

Mr. Don Duncan

Class V Injection Well Permit

Class V Injection Well Application Approval

Joshua's Landing Subdivision

Knoxville, Knox County, Tennessee

UIC File #KNX-0000170

April 20, 2005

Page 3

9d

Knowingly making any false statement on any report required by the rule may result in the imposition of criminal penalties as provided in T.C.A. 69-3-115 of the Tennessee Water Quality Control Act.

The issuance of this authorization does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State, or local laws or regulations.

If the owner/operator becomes aware that he failed to submit any relevant facts in an authorization application, or submitted incorrect information in an authorization application or in any report to the Division, then he shall promptly submit such facts or information.

The owner/operator shall give notice to the Division as soon as possible of any planned physical alterations or additions to the authorized facility or activity, which may result in noncompliance with authorization requirements.

The authorization is limited to the three (3) sinkholes at the proposed Joshua's Landing Subdivision, Knoxville, Knox County, Tennessee as shown on the application. Modification of any additional sinkholes in the area or routing of drainage to the sinkholes from any additional development in this area will require a separate application.

This authorization has a fixed term not to exceed two (2) years from the date of this letter. The owner/operator is not authorized to discharge after the expiration date.

In order to receive authorization to discharge beyond the expiration date, the owner/operator shall submit such information and forms as are required to the Division of Water Supply no later than 180 days prior to the expiration date.

In accordance with Underground Injection Control (UIC) Rule 1200-4-6.14, 3 "The owner of a Class V well shall be responsible for notifying the Department of change in ownership". This notification must be completed within thirty (30) days of the change in ownership.

Additionally, UIC Rule 1200-4-6.14, 8(d) states:

8 (d) "Upon completion of the well, the owner or operator must certify to the Department that the well has been completed in accordance with the approved construction plan, and must submit any other additional information required".

The certification must be submitted to the UIC Program within thirty (30) days upon completion of the Class V well.

9d

Mr. Don Duncan
Class V Injection Well Application Approval
Joshua's Landing Subdivision
Knoxville, Knox County, Tennessee
UIC File #KNX-0000170
April 20, 2005
Page 4

Our concurrence with your approach does not imply that this procedure is exempt from future changes or restrictions in the UIC Regulations, or any additional requirements set forth by the Division in order to protect the groundwater of Tennessee.

A copy of this authorization must be kept on site until the development has been completed and must be made available to inspection personnel.

Should you have any questions or comments please feel free to contact me at (615) 532-0180.

Sincerely,



Bruce T. Craig, R.P.G.
Registered Professional Geologist
UIC Program
Division of Water Supply

c: Mr. Steve Roberts, TDWS Knoxville-RFO
Mr. Garrett M. Tucker, Robert G. Campbell & Associates
Mr. Rick M. Sinclair, Ph.D., LD&A, Inc.



9e

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
KNOXVILLE ENVIRONMENTAL FIELD OFFICE

2700 MIDDLEBROOK PIKE, SUITE 220
KNOXVILLE, TENNESSEE 37921-5602
PHONE (865) 594-6035 STATEWIDE 1-888-891-8332 FAX (865) 594-6105

June 6, 2005

Mr. Don Duncan
5301 White Blossom Way
Knoxville, Tennessee 37918

Re: Aquatic Resource Alteration Permit (ARAP) for Basin Sinkhole
Joshua's Landing
TNR1301132
Knox County

Dear Mr. Duncan:

The Division has inspected the sinkhole that you intend to fill and use as a storm water control structure. Based on these inspections, the division determined that an ARAP is not required or appropriate for this activity. A *Class V Underground Injection Control* permit is required for this activity. The Division of Water Supply issued this permit to you on April 20, 2005. Please note that this permit does not negate local code or ordinance. Additional permits may be required from the local authority.

I understand that there may be some plan changes to your Storm Water Pollution Prevention Plan (SWPPP) as a result of resolving issues relative to the Cease Order issued by Knox County. You are required to submit any changes in the SWPPP to this office. The changes must meet the requirements of the Tennessee Construction General Permit.

Please contact me at (865)594-5538 when the Cease Order is lifted. This project is generating a great deal of public interest and this office intends to make timely site inspections. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Baxter Wilson".

Baxter Wilson, Environmental Specialist
Division of Water Pollution Control

cc: TNR1301132



Knoxville Utilities Board

KUB Approved Water Plan

9f

June 14, 2005

Robert Campbell
Robert G. Campbell & Associates
7523 Taggart Lane
Knoxville, Tennessee 37912

Dear Mr. Campbell:

Re: Joshua's Landing Subdivision

KUB Project Reference Number: KUB# S05-014

The Knoxville Utilities Board (KUB) acknowledges receipt of eight (8) sets of wastewater plans on June 7, 2005.

This project consists of 3,501 linear feet of eight-inch sewer line and 166 linear feet of eight-inch DI sewer line.

Approval for this wastewater project is granted in accordance with the agreement made between the Tennessee Department of Environment and Conservation and KUB in accordance with Tennessee Code Annotated Section 68-13-102 to review and approve plans for construction of local sewerage collection system projects.

Approval expires one year from the stamped approval date unless construction is either underway, or complete. Any request for extension must be made prior to this expiration date. Significant deviations from the approved plan documents must be submitted and approved in writing before such changes are made. Minor changes made during construction need not have prior written approval.

In accordance with KUB requirements, KUB Field Services must inspect wastewater facilities that are constructed and dedicated to KUB for ownership. Please call KUB Field Services at (865) 558-2786 to schedule an inspector at least three (3) days prior to construction.

Approval of these construction documents should not be construed as a permit for any activities related to this project. Activities which may require a permit under the Water Quality Control Act and Regulations include, but are not limited to, the following: stream bank vegetation removal; creek crossings for equipment or utility lines; construction within 20 feet of a stream bank; or construction in or near a marshy area or wetland.

9f

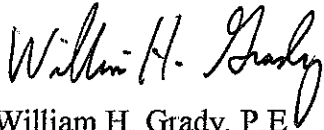
Robert Campbell
June 14, 2005
Page 2

The Natural Resources Section of the State of Tennessee, Division of Water Pollution Control (615-532-0625) should be contacted for determinations regarding an Aquatic Resource Alteration Permit (ARAP) for those activities that may result in degradation of waters of the state.

The Tennessee Division of Water Pollution Control is authorized to inspect the construction work to verify compliance with the approved plans and specifications that are on site Therefore, the design engineer shall notify the Knoxville Environmental Assistance Center at (865) 594-6035 of the start of construction.

If you have any questions regarding this project, please call Steve Clapp at (865) 558-2745.

Sincerely,



William H. Grady, P.E.
Engineering

WHG:ggt

cc: Tennessee Department of Environment and Conservation
KUB New Service – Brad White



99

Knoxville Utilities Board

June 14, 2005

Robert Campbell
R G. Campbell and Associates
7523 Taggart Lane
Knoxville, Tennessee 37912

Dear Mr. Campbell:

Re: Joshua's Landing Subdivision

KUB Project Reference Number: KUB# W05-010

The Knoxville Utilities Board (KUB) acknowledges receipt of eight (8) sets of water plans on June 14, 2005.

This project consists of 1,733 linear feet of eight-inch DI water line and 1,481 linear feet of two-inch PVC water line

Approval for this water project is granted in accordance with the agreement made between the Tennessee Department of Environment and Conservation and KUB in accordance with Tennessee Code Annotated Section 68-13-102 to review and approve plans for construction of local water distribution system projects.

Approval expires one year from the stamped approval date unless construction is either underway, or complete. Any request for extension must be made prior to this expiration date. Significant deviations from the approved plan documents must be submitted and approved in writing before such changes are made. Minor changes made during construction need not have prior written approval.

In accordance with KUB requirements, KUB Field Services must inspect water facilities that are constructed and dedicated to KUB for ownership. Please call KUB Field Services at (865) 558-2786 to schedule an inspector at least three (3) days prior to construction.

Approval of these construction documents should not be construed as a permit for any activities related to this project. Activities which may require a permit under the Water Quality Control Act and Regulations include, but are not limited to, the following: stream bank vegetation removal; creek crossings for equipment or utility lines; construction within 20 feet of a stream bank; or construction in or near a marshy area or wetland.

99

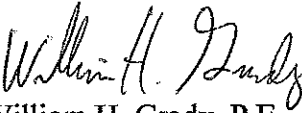
Robert Campbell
June 14, 2005
Page 2

The Natural Resources Section of the State of Tennessee, Division of Water Supply (615-532-0191) should be contacted for determinations regarding an Aquatic Resource Alteration Permit (ARAP) for those activities that may result in degradation of waters of the state.

The Tennessee Division of Water Supply is authorized to inspect the construction work to verify compliance with the approved plans and specifications that are on site. Therefore, the design engineer shall notify the Knoxville Environmental Assistance Center at (865) 594-6035 of the start of construction.

If you have any questions regarding this project, please call Steve Clapp at (865) 558-2745.

Sincerely,



William H. Grady, P E
Engineering

WHG:ggt

cc: Tennessee Department of Environment and Conservation
KUB New Service - Brad White

June 6, 2005

Knox County Codes
Room 547
City/County Building
400 Main Street
Knoxville, TN 37902-2405

This letter authorizes Robert G. Campbell and Associates to apply for the following variance on my behalf for CLI 49 Parcel 28:

To allow the filling in a depression or sinkhole area in compliance with the written policy of Knox County Engineering and Public Works.

The hardship of our request is that the policy as written allows the filling of a sink area with certain provisions. The ordinance as written does not reflect this policy correctly even though that was the intent. The filling in a sinkhole is allowed under the new County storm water ordinance, the City of Knoxville ordinance and by the Tennessee Department of Conservation.

Sincerely,

Don Duncan
5301 White Blossom Way
Knoxville, TN 37918

Approved BZA Variance

9h

Agenda Item # 51

MPC June 11, 2009

KNOX COUNTY BOARD OF ZONING APPEALS

Application Date: 6/9/2005

Meeting Date: 6/22/2005

Approved

Gentlemen: The undersigned hereby petitions the Knox County Board of Zoning Appeals to grant the following request:

Request: to allow the filling in a depression or sinkhole area in compliance with the written policy of Knox County Engineering and Public Works.

Reason: the policy as written allows the filling of a sink area with certain provisions.

Property Address: **4610 Tazewell Pike**

Subdivision **Joshuas Landing**

ZONE: **RB**

Lot Size: **18 acre**

CLT Map: **046** Group Parcel **028** Lot

in Commission District **7**, Knox County, Tennessee, in accordance with plans, applications, and all data heretofore filed with the Knox County Board of Zoning Appeals all of which are hereto attached and made part of the appeal.

I hereby depose and say that all of the above statements and the statements contained in all the exhibits transmitted herewith are true.

Appellant: **Robert Campbell of Robert Campbell & Associates**

Address: **7523 Faggart Lane**

City, State, Zip: **Knoxville, TN 37938**

Telephone: **947-5996**

Owner: **Don Duncan**

Address: **5301 White Blossom Way**

City, State, Zip: **Knoxville, TN 37918**

Telephone: **389-6741**

The Board of Zoning Appeals meets on the fourth Wednesday of each month. Appeals or application must be filed no later than noon, one week before the meeting. REPRESENTATION MUST BE PRESENT AT THE MEETING BEFORE THE APPEAL WILL BE GRANTED.

Every appeal shall be taken within thirty (30) days from the date of any refusal by the Building Inspector to issue the permit.

Page:: Regulation: 0-00-11-105 Section: 5.8.3

Appellant: _____

Code Administration: _____

CHECKLIST: Copy of Map: _____ Site Plan: _____ Permission to apply from owner: _____
Certified Address: _____ KGIS _____

Approved BZA Variance









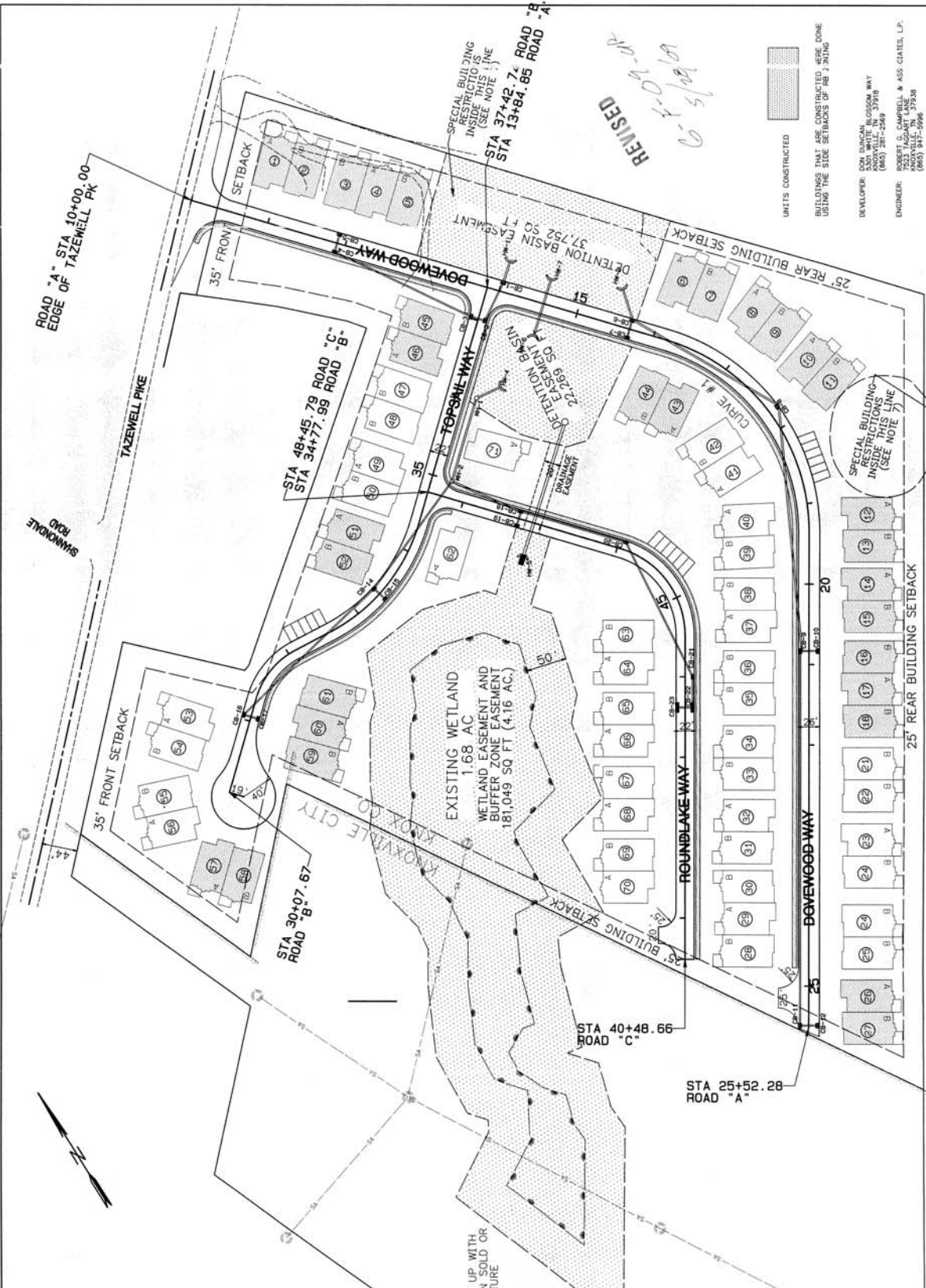
CURVE #1		CURVE #2		CURVE #3		CURVE #4								
PT	18+02.51	PT	31+71.24	PT	32+85.05	PT	41+35.36							
PI	18+34.76	PI	32+03.27	PI	32+87.05	PI	41+81.36							
TA	72+50.00	TA	47+18.00	TA	47+18.00	TA	47+18.00							
LC	220.00	LC	100.00	LC	100.00	LC	100.00							
EA	250.00	EA	100.00	EA	100.00	EA	100.00							
EA	187.24	EA	42.00	EA	42.00	EA	42.00							
EA	187.24	EA	42.00	EA	42.00	EA	42.00							
EA	305.02	EA	78.36	EA	78.36	EA	78.36							
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KNOXVILLE:
 CLT 59-A, GR "E" PARCEL 1
 34 TH WARD: 200311040050062
 INSTR. NUMBER: 180 AC
 TOTAL ACRES: 13.1 ac
 ZONING: R-1

KNOXVILLE (FORMERLY KNOX COUNTY):
 CLT 49, PARCEL 28 311040050062
 INSTR. NUMBER: 180 AC
 TOTAL ACRES: 13.1 ac
 ZONING: RP-1 (FORMERLY RB)

NUMBER OF CONDO UNITS: 71

UNIT NUMBERS ON PLAN WILL NOT MATCH UP WITH
 UNIT NUMBERS ON INTENT TO SELL THAT HAVE BEEN SOLD OR
 THAT MAY APPEAR IN MARKETING LITERATURE.



DESIGNED BY		SCALE	SHEET NO.
CHKD BY	DATE	1"=60'	1
DRAWN BY	DATE	FILE NO.	OF ONE
ROC	5/27/09	04032	
USE ON REVIEW			
JOSHUA'S LANDING SUBDIVISION			
ROBERT G. CAMPBELL & ASSOC., L.P.			
CONSULTING ENGINEERS			
KNOXVILLE, TENNESSEE			
NO.	DATE	DESCRIPTION	REVISIONS