



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

▶ **FILE #:** 10-SA-14-C **AGENDA ITEM #:** 12
10-A-14-UR **AGENDA DATE:** 12/11/2014

POSTPONEMENT(S): 10/19/2014-11/13/2014

▶ **SUBDIVISION:** THE COURTYARD AT TOOLES BEND

▶ **APPLICANT/DEVELOPER:** RACKLEY ENGINEERING

OWNER(S): David Fiser

TAX IDENTIFICATION: 145 058

JURISDICTION: County Commission District 4

STREET ADDRESS:

▶ **LOCATION:** North side of Badgett Rd., east side of Tooles Bend Rd.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Rural Area

WATERSHED: Tennessee River

▶ **APPROXIMATE ACREAGE:** 3.96 acres

▶ **ZONING:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Detached dwellings

SURROUNDING LAND USE AND ZONING: This area is developed with rural to low density residential dwellings under the A (Agricultural) or PR (Planned Residential) zoning classifications

▶ **NUMBER OF LOTS:** 6

SURVEYOR/ENGINEER: Russell Rackley

ACCESSIBILITY: Access is via Badgett Rd., a minor collector street with a pavement width 17' to 18' within a 50' right-of-way.

▶ **SUBDIVISION VARIANCES REQUIRED:**
1. Intersection spacing from 300' to 213' from proposed entrance to Tooles Bend Rd.
2. Vertical curve variance from 175' to 87.5' at sta. 0+50 of Road A

STAFF RECOMMENDATION:

▶ **APPROVE** variances 1 & 2 because the sites topography restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard

APPROVE the Concept plan subject to 7 conditions

1. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department
2. Provision of a street name for the proposed joint permanent easement which is consistent with the uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102)
3. Certification on the final plat by the applicant's surveyor that there is 300' of sight distance in both directions

along Badgett Rd. and provide a sight distance easement across lot 5 as needed

4. Meeting all other applicable requirements of the Knox County Dept. of Engineering and Public Works
5. Place a note on the final plat that all lots will have access only to the internal street system
6. Prior to certification of the final plat for the subdivision, establish a property owners association that will be responsible for maintenance of the storm drainage system, the joint permanent easement and any other commonly held assets
7. A final plat application based on this concept plan will not be accepted for review by MPC until certification of design plan approval has been submitted to MPC staff

► **APPROVE the development plan for up to 6 detached dwellings on individual lots and the reduction of the peripheral boundary setback to 25' adjacent to Badgett Rd. and Toolles Bend Rd. as shown on the plan subject to 1 condition**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance

COMMENTS:

The applicant is proposing to subdivide this 3.96 acre site into 6 lots in order to construct a detached dwelling on each of the lots. The rezoning of this site to PR (Planned Residential) at 3 dwellings per acre was approved by the Knox County Commission at their January 28, 2008 meeting. A previous concept plan was approved for this site in 2008 that contained 12 lots.

The applicant has revised the plan to now propose access via a joint permanent easement. This will allow the development to be gated as shown on the plan. Additionally, the applicant is now requesting a reduction in the peripheral boundary setback along the Badgett and Toolles Bend road frontages. The plan proposes the full 35' wide peripheral boundary setback along the common boundary with Amberleigh Subdivision..

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

1. The proposed subdivision will have minimal impact on local services since water and sewer will be provided to this site.
2. The proposed detached residential subdivision at a density of 1.52 du/ac, is consistent in use and density with the proposed zoning of the property.
3. Any school age children living in this development are presently zoned to attend Rocky Hill Elementary School, West Valley Middle School and Bearden High School.

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

1. The proposed detached residential subdivision meets the standards for development within a PR Zone and all other requirements of the Zoning Ordinance with the recommended conditions.
2. The proposed residential development is consistent with the general standards for uses permitted on review:
 - A. The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The Southwest County Sector Plan designates this site for low density residential use which may permit a maximum density of 3 dwellings per acre at this location. The overall development density of the proposed development is 1.52 dwellings per acre.
 - B. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The proposed development complies with all the height, bulk and area requirements of the Knox County Zoning Ordinance. The proposed development meets all the requirements of the PR (Planned Residential) District).
 - C. The use is compatible with the character of the neighborhood where it is proposed.
 - D. The use will not significantly injure the value of adjacent property.
 - E. The use will not draw additional non-residential traffic through residential areas. This is a low density residential development within an area designated for low density residential use. The traffic generated from this project will be similar to the traffic that is generated by other residential developments.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. Due to the area being Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan, low density residential development is limited to 3.0 du/ac. The PR zoning approved for the property allows consideration of up to 3.0 du/ac . The proposed subdivision with its distribution of density on the site and overall density of 1.52 du/ac is consistent with the Growth Plan and the Sector Plan.

ESTIMATED TRAFFIC IMPACT: 78 (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.

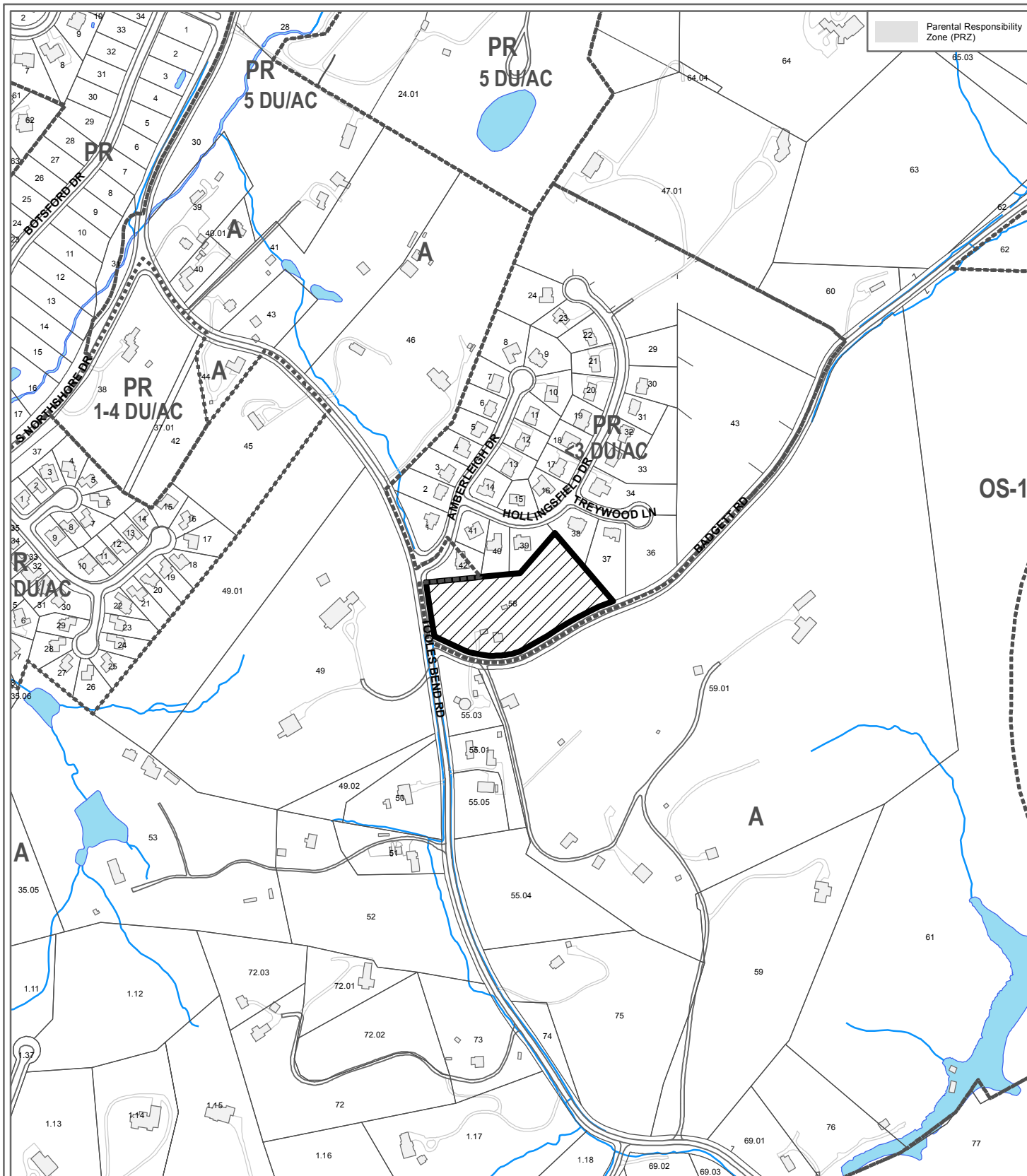
ESTIMATED STUDENT YIELD: 4 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Rocky Hill Elementary, West Valley Middle, and Bearden 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 concept plan request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court hearing will depend on when the appeal application is filed.

MPC's approval or denial of this use on review request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed.



**10-SA-14-C / 10-A-14-UR
CONCEPT PLAN/USE ON REVIEW**



Detached dwellings in PR (Planned Residential)

Original Print Date: 9/22/2014
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Rackley Engineering
 The Courtyard at Tooles Bend

Map No: 145

Jurisdiction: County





Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

[MPC Comment] File ID #: 10-SA-14-C 10-A-14-UR The Courtyard at Tooles Bend

1 message

Jim McCollum <jandrmccollum@gmail.com>
Reply-To: jandrmccollum@gmail.com
To: commission@knoxmpc.org

Mon, Oct 6, 2014 at 10:07 AM

Knoxville-Knox County MPC
400 Main St,
Suite 403
Knoxville, TN 37902

Regarding

File ID #: 10-SA-14-C
10-A-14-UR
The Courtyard at Tooles Bend
Rackley Engineering
N. of Badgett Rd. E. side Tooles Bend Rd.

Tax ID: 145058

Dear Sirs and Madams,

We are writing to express our concerns about the proposed development adjacent to our home and neighborhood. We are one of the homeowners whose property is directly adjacent to the proposed subdivision. While we do not oppose detached single family homes on the property, we would like to express our concerns for our property and our neighborhood.

In order to preserve our home values and the aesthetic appeal of our neighborhood as well as our privacy, we would like to see homes of at least similar or greater quality, size, and finish to our own homes and neighborhood. We have included our neighborhood bylaws for your reference. We request the following be included in any neighborhood approved for the property to maintain the standards of our own neighborhood which this new proposed development will infringe on:

- Maximum subdivided lots = 6
- ** Minimum home size = 2,400 sq feet
- Setback Minimum = request minimum setback= 50 feet (see comment below)

- Developer shall erect a natural evergreen barrier between the proposed development and our homes/neighborhood and the proposed development spanning the entire length of the border with our neighborhood.
- ** All dwelling should have a solid foundation of brick, stone, concrete block, and all above ground foundation walls shall be veneered with brick or stone but shall not be painted.
- ** All air conditioners and garbage cans shall be obscured from view.
- ** All driveways shall be concrete.
- ** All fireplaces shall be masonry construction.
- ** No chain link fences are permitted.
- ** No radio, satellite dish or television aerial or antenna shall be maintained on the exterior of any structure.
- ** No out-buildings such as pool houses, carports, or detached garages shall be built.
- ** All homes must have a minimum two car garage.

**Requested item consistent with Amberleigh neighborhood bylaws. Request is to maintain consistency with standards of our own neighborhood

We would like to further state that we are extremely concerned about the developers requested reduction of the periphery setback to 25 feet and therefore have requested the 50 feet above to preserve the setting from our homes. As several of the proposed lots will be directly behind our homes and share a property line, we are especially concerned about ensuring our privacy. If the setback is reduced to 25 feet, we could have houses extremely close to our own homes as well as our backyards where our children play. The requested natural evergreen barrier would also help ensure our privacy as well as that of the proposed development.

We hope the MPC will incorporate ALL these requirements into any proposed development of this property that is directly adjacent to our homes to aid in preserving the tranquility and values of our homes and neighborhood. We look forward to being good neighbors with the developer and tenants provided it is held to a standard consistent with our own neighborhood.

Sincerely,

James and Rachel McCollum

8756 Hollingsfield Drive

Knoxville, TN 37922

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This message was directed to commission@knoxmpc.org



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

[MPC Comment] Proposed variances, Courtyard at Tooles Bend

1 message

Diane Montgomery <dianetmontgomery@gmail.com>

Mon, Oct 6, 2014 at 2:34 PM

Reply-To: dianetmontgomery@gmail.com

To: commission@knoxmpc.org

Cc: Jim and Rachel McCollum <jemccollum@mindspring.com>, Will Ferguson <jwferguson3@gmail.com>, James Montgomery <James.Montgomery@tn.gov>, jeff@focus-physiotherapy.com, Agnes Wallace <agwall22@yahoo.com>

Re: Item 10-SA-14-C

Dear Madams and Sirs,

Please add our concerns and requests to those expressed by our neighborhood spokesman, Jim McCullom regarding the proposed variances for the project at Tooles Bend and Badgett Roads.

Our property immediately adjoins the proposed development. To maintain the character of our pastoral community and to protect the value of our property in Amberleigh subdivision, we ask that at a minimum you require a fifty foot setback from adjoining properties and a buffer zone of large evergreen trees.

We also ask you to reconsider the traffic safety and flow impact in the Badgett/Tooles Bend Road/Northshore access corridor. Tooles Bend Road already daily carries the large equipment of a commercial tree service as well as the flow from several waterfront communities in addition to our own neighborhood traffic. It is quite narrow, winding and hilly with virtually no shoulder.

The intersection of Badgett and Tooles Bend Roads is on a hill with diminished sight lines. The nearby intersection of Amberleigh Drive is also on a curve with poor sight lines. We cannot agree that adding a neighborhood entrance at that location is safe. We strongly object to this variance.

An additional peril is that the intersection of Tooles Bend Road with Northshore Drive is directly on a curve and with poor sight lines in both directions. Compounding that hazard, the guard rail on the southeast side of the Northshore/Tooles Bend Road intersection makes it impossible to avoid the westbound cars that frequently drift into the opposite lane of Northshore Drive. The potential for head-on collisions there is great as cars drivers negotiate the corner/curve where the new senior development is now apparently already approved. Rush hour traffic there currently makes it very difficult to safely exit Tooles Bend Road, particularly if turning left.

As citizens who love our community, we wish to maintain the pastoral character which now makes it so attractive to developers. We ask you to take into account existing safety needs and the concerns of those who already inhabit the community before taking an action which will add more homes to an area where a facility for the elderly with their visitors and friends is also about to commence construction. The already perilous situations will certainly be exacerbated. Shouldn't these existing problems be addressed before additional development proceeds?

Please consider our concerns as you address agenda items #7 on Thursday October 7th.

Diane and James Montgomery
2106 Treywood Lane
Knoxville, TN 37922
[865-539-4733](tel:865-539-4733)



Tim Kuhn <tim.kuhn@knoxmpc.org>

[MPC Comment] New subdivision at Badgett and Tooles Bend

Buchholz, Kristi <Kristi.Buchholz@alere.com>

Mon, Oct 6, 2014 at 3:08 PM

Reply-To: kristi.buchholz@alere.com

To: "commission@knoxmpc.org" <commission@knoxmpc.org>

To whom it may concern,

I understand you are proposing a new neighborhood at Badgett and Tooles Bend. I also see a New Senior Living Center coming at Northshore at Tooles Bend.

We have two concerns regarding these two new projects.

1. The traffic at Northshore and Tooles bend is extremely treacherous. I have personally called the county at least two times a year for the past five years to ask for the ditches to be mowed so people turning can see oncoming traffic. This one intersection has seen many wrecks and close calls with the current traffic load. If we increase the cars turning in and out of this area, it will only make it worse. Tooles Bend road is also very dangerous as there are no guardrails and deep ditches on either side. My son, as well as many neighbors have been forced into the ditches from people driving too fast or not staying in their lane. The road is not wide enough for construction trucks to drive up and down. We can speak to this first hand as it was a tree trimming truck that ran our son into the ditch.

This road cannot support more traffic, period. Please do not let there be more fatalities to have to prove this point.

2. Secondly, I am highly concerned with the proposed setback of the homes. There should be a minimum of 35 feet from the property lines with a preference of 50 feet. It is my understanding you have proposed 25 feet which is unacceptable. This is a natural habitat for wildlife as well as the perimeter of an established neighborhood. We all would like to see your understanding in this matter.

Thank you for your consideration

Amberleigh resident,

Kristi Buchholz



Tim Kuhn <tim.kuhn@knoxmpc.org>

[MPC Comment] Item 10-SA-14-C Courtyard at Toolles Bend

Helen <hmtews@comcast.net>
 Reply-To: hmtews@comcast.net
 To: commission@knoxmpc.org
 Cc: Helen Tews <hmtews@comcast.net>

Mon, Oct 6, 2014 at 5:38 PM

This letter also attached as a signed PDF doc

Re: Item 10-SA-14-C
TO: Metropolitan Planning Commission
FROM: Helen M Tews

8768 Hollingsfield Dr, Knoxville TN 37922
(Amberleigh Subdivision, Toolles Bend Rd.)

RE: Proposed Variances, Courtyard at Toolles Bend

Item 10-SA-14-C

Discussion to be held, Thursday, October 9th, 2014

Agenda item:

Dear Madams and Sirs:

As a resident of Amberleigh Subdivision on Toolles Bend Road in West Knoxville, I am writing to express my deep concern regarding Item **10-SA-14-C** on the October 9th agenda for the MPC.

The Amberleigh Subdivision, and more specifically my personal property in Amberleigh Subdivision, immediately adjoin the proposed development, **Courtyard at Toolles Bend**. I want to bring the following concerns and requests to the attention of the Commission for their thoughtful consideration:

1. I request that a **green space of at least 35'** separating the property lines of the existing *Amberleigh subdivision* and the proposed *Courtyard at Toolles Bend* be required, specifying that all existing trees in this green pace be maintained to preserve privacy for all residents of this pastoral subdivision.
2. I request the **Commission recommend the standard peripheral setback for dwellings of 35'** so that no building or structure can be built within 35' of the perimeter of the lot all around. This is required to maintain the privacy of our lots and not negatively affect property existing property values.
3. I request that you please **consider seriously hazard that can be caused by the increased traffic coming from the intersection of Badget and Toolles Bend** that is

surely to result from this added subdivision. There already exists a dangerous blind spot as one exits the Amberleigh subdivision onto Toodles Bend Rd -- because of a curving hill we cannot see traffic exiting from Budget Road, just a few feet on our left, onto Toodles Bend and toward us as we exit onto a very narrow 2-lane road with embankment going up sharply on one side and down steeply on the other. Added traffic onto Toodles Bend from Budget increases the already dangerous traffic hazard. In addition, please consider the significant daily traffic of large commercial equipment and commercial tree service trucks that travel down Toodles Bend towards Northshore. This particular traffic is heaviest early in the morning as school busses are picking up our children and then in the afternoon as the children are being dropped off.

My neighbors and I love our community. I have put my life savings into my property that is my retirement haven and we all wish to maintain the character that makes our subdivision so desirable. I ask that you carefully consider the issues and concerns I have listed here before taking an action which will detrimentally affect the quality of living for us homeowners by adding more homes to an area where a facility for the elderly with their visitors and friends is also about to commence construction.

Respectfully,

Helen McAllister Tews

hmtews@comcast.net

cell [865-696-4676](tel:865-696-4676)

8768 Hollingsfield Dr (Amberleigh Subdivision)

Knoxville TN 37922

Helen McAllister Tews

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This message was directed to commission@knoxmpc.org



Item 10-SA-14-C_Courtyard at Toodles Bend.pdf

126K



Tim Kuhn <tim.kuhn@knoxmpc.org>

[MPC Comment] FILE #10-SA-14-C

'Agnes Wallace' via Commission <commission@knoxmpc.org>

Tue, Oct 7, 2014 at 8:49 AM

Reply-To: agwall22@yahoo.com

To: "commission@knoxmpc.org" <commission@knoxmpc.org>

Cc: Agnes Wallace <agwall22@yahoo.com>

Commissioners,

As a member of a quiet, small community we would like to ask that you honor the requests of those families bordering the new subdivision Courtyard at Toodles Bend by moving the distance between the two subdivisions to 35 feet or more, preferably more. Also, we would like you to consider planting trees between the subdivisions to allow for more privacy .

Being on the Toodles Bend side of Amberleigh, we are concerned about the additional traffic on Toodles Bend, which is narrow, only two lanes with no available shoulder and already very busy with cars as well as service trucks. Trying to emerge onto Northshore at various times of the day is potentially quite dangerous. This is something that should be addressed prior to adding more homes to the area.

Thank you for your consideration.

Agnes Wallace
8747 Amberleigh Drive
Knoxville, TN 37922

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This message was directed to commission@knoxmpc.org