



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

▶ **FILE #:** 12-SB-15-C **AGENDA ITEM #:** 8
 12-G-15-UR **AGENDA DATE:** 1/14/2016

POSTPONEMENT(S): 12/10/2015

▶ **SUBDIVISION:** WESTLAND OAKS
 ▶ **APPLICANT/DEVELOPER:** MESANA INVESTMENTS, LLC
 OWNER(S): Mesana Investments, LLC

TAX IDENTIFICATION: 133 050 [View map on KGIS](#)

JURISDICTION: County Commission District 5

STREET ADDRESS: 8444 Westland Dr

▶ **LOCATION:** Southeast side of Westland Dr., northwest side of Nubbin Ridge Rd.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

WATERSHED: Ten Mile Creek

▶ **APPROXIMATE ACREAGE:** 29.77 acres

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

▶ **EXISTING LAND USE:** Residence and vacant land

▶ **PROPOSED USE:** Detached residential subdivision

SURROUNDING LAND USE AND ZONING: North: Railroad and residences / A (Agricultural) & PR (Planned Residential)
 South: Residence and stables / A (Agricultural)
 East: Residences, utility substation and vacant land / PR (Planned Residential) & A (Agricultural)
 West: Residences / PR (Planned Residential) & A (Agricultural)

▶ **NUMBER OF LOTS:** 72

SURVEYOR/ENGINEER: Jim Sullivan

ACCESSIBILITY: Access is via Westland Dr., a minor arterial street with an 18' pavement width within a required 88' right-of-way.

▶ **SUBDIVISION VARIANCES REQUIRED:**
 1. Vertical curve variance on Road A at STA 0+79, from 174.25' (k=25) to 116' (k=16.81).
 2. Maximum street grade variance on Road C, between STA 1+00 and STA 4+86, from 12% to 13%.

STAFF RECOMMENDATION:

▶ **APPROVE** variances 1 and 2 because the site's topography and existing stream restrict compliance with the Subdivision Regulations and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to 8 conditions

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health

Department.

2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knox County (Ord 91-1-102).
3. Prior to obtaining a design plan approval for the subdivision, submitting a detailed grading plan to the Knox County Department of Engineering and Public Works and Planning Commission Staff that documents all proposed lots will have adequate building sites and yard areas with driveway grades not exceeding a 15% grade. Those lots that cannot comply with this condition will have to be combined with adjoining lots on any final plats submitted to the Planning Commission for approval.
4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
5. Placing a note on the final plat that all lots will have access only to the internal street system. Access to the 3.7 acre future development parcel along Westland Dr. shall be to the internal street system unless an alternative access is approved through a future Concept Plan submittal.
6. Providing certification on the final plat that the required sight distance exists in both directions along Westland Dr. at the subdivision entrance.
7. Identify the stream and required stream buffers on the final plat.
8. A final plat application based on this concept plan will not be accepted for review by the MPC until certification of design plan approval has been submitted to the MPC staff.

► **APPROVE the Development Plan for up to 72 detached dwelling units on individual lots, and the requested reduction of the peripheral setback as identified on the Concept Plan and in the comment section below, subject to 1 condition.**

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

With the conditions noted, this plan meets the requirements for approval in the PR zone and the other criteria for approval of a Use on Review.

COMMENTS:

The applicant is proposing to develop a 72 lot subdivision on a 19.07 acre portion of an overall 29.77 acre site that is located on the south side of Westland Rd. just east of Westland Manor Subdivision. The property extends between Westland Dr. and Nubbin Ridge Rd. to the south. There are two future development sites identified on the Concept Plan with a 3.7 acre tract along Westland Dr. and a 7 acre site that has frontage along Nubbin Ridge Rd.

Access to the proposed subdivision will be from Westland Dr. with no connection proposed out to Nubbin Ridge Rd. The 7 acre tract that has frontage along Nubbin Ridge Rd. will have access only out to Nubbin Ridge Rd. Access to the 3.7 acre future development parcel along Westland Dr. shall be to the internal street system for this subdivision unless an alternative access is approved through a future Concept Plan submittal.. A traffic impact study may be required for this site with the subdivision of the future development sites.

The property is zoned PR (Planned Residential) with an approved density of up to 5 du/ac. The proposed density for the subdivision that will be located on approximately 19.07 acres will be 3.78 du/ac. The overall density for the site at this time will be 2.42 du/ac.

Sidewalks are not required for the subdivision and are not being provided by the developer.

Due to the steeper slopes on a portion of the proposed subdivision, Staff has recommended a condition that the applicant provide a detailed grading plan prior to design plan approval that documents that adequate building sites are available on all proposed lots.

The applicant has requested a reduction of the peripheral setback from 35' to 15' along the eastern and western boundaries of the property. Westland Manor to the west was approved with a reduction of the peripheral boundary down to 15'. The peripheral boundary along Westland Dr. is proposed at 20'.

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

1. The proposed detached residential subdivision will have minimal impact on local services since utilities are available to serve this site.
2. The proposed low density residential development is compatible with the scale and intensity of development that has occurred in this area.
3. The proposed detached residential subdivision at the proposed density of 3.78 du/ac, is consistent in use and density with the approved rezoning for the property.

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

1. With the recommended conditions, the proposed subdivision is consistent with all relevant requirements of the PR zoning, as well as other criteria for approval of a use on review.
2. The 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 will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas since the development has access to a minor arterial street.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Southwest County Sector Plan proposes low density residential uses for this site. The proposed development at a density of 3.78 du/ac is consistent with the sector plan.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: 766 (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.

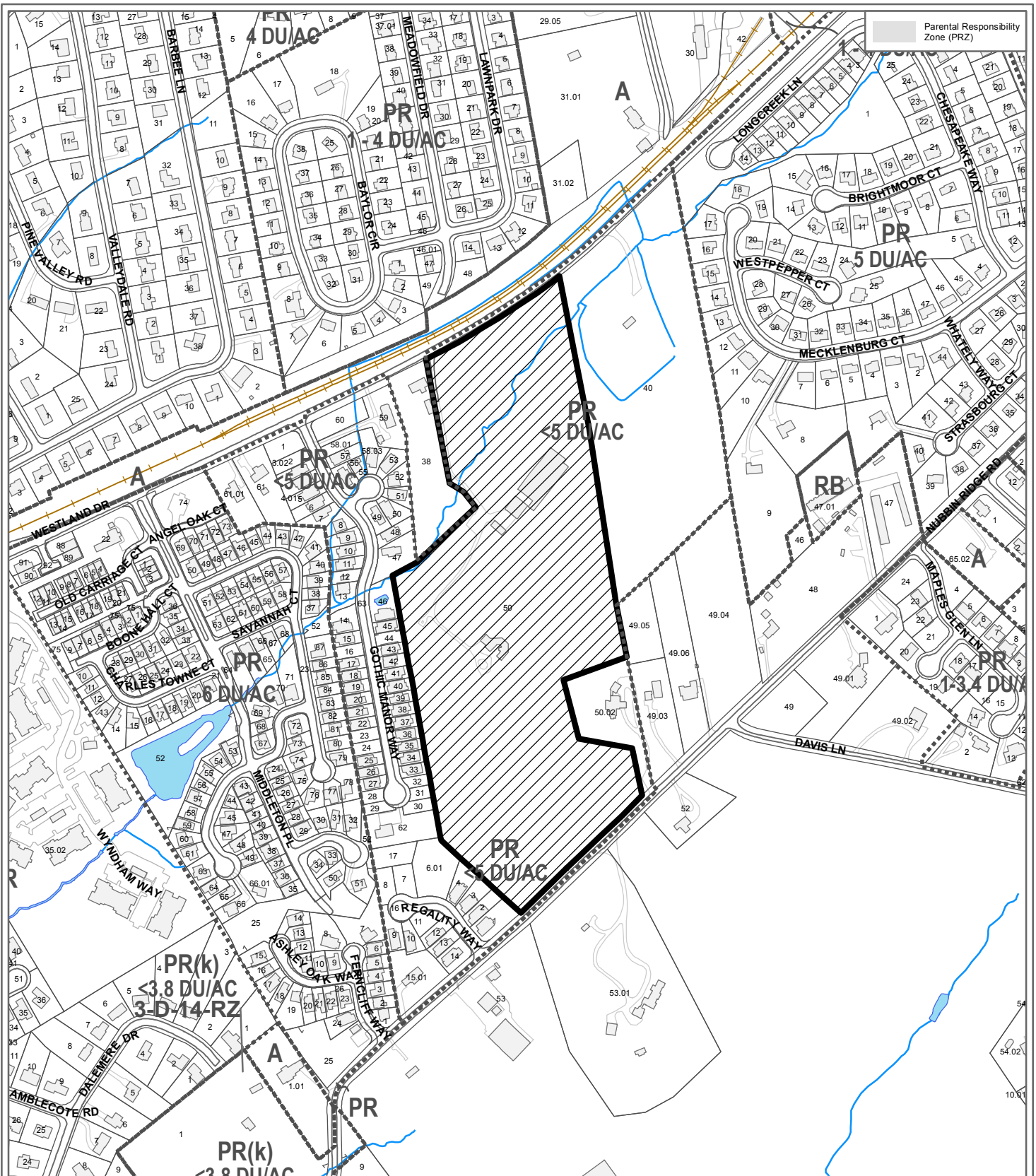
ESTIMATED STUDENT YIELD: 45 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Blue Grass 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.



**12-SB-15-C / 12-G-15-UR
CONCEPT PLAN/USE ON REVIEW**

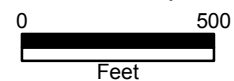


Detached residential subdivision in PR (Planned Residential)

Petitioner: Mesana Investments, LLC
Westland Oaks

Map No: 133

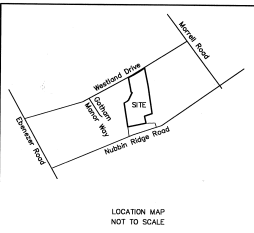
Jurisdiction: County



Original Print Date: 11/20/2015

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



CERTIFICATION OF CONCEPT PLAN
 I hereby certify that I am a Surveyor, licensed to do surveying under the laws of the State of Tennessee. I further certify these plans and accompanying drawings, documents and statements conform to all applicable provisions of the Knoxville County Subdivision Regulations except as has been itemized and described in a report filed with the Metropolitan Planning Commission.
 TN RLS #1306

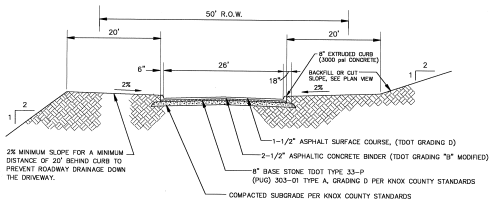
NOTE: All setbacks are controlled by proposed 15' peripheral setback where applicable.

15' Rear Setback
15' Side Setback (unless noted otherwise)
20' Front Setback

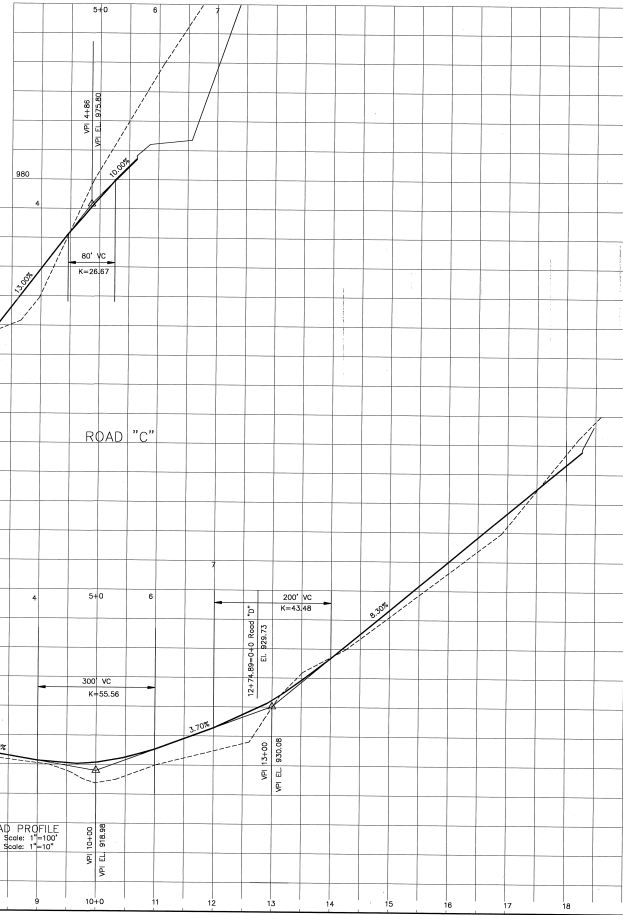
Lots 10-17 & 20-26 shall have a 10' side setback on sides that front on Road "C"

TYPICAL LOT LAYOUT NTS

- NOTES:
- CLT MAP 133, PART OF PARCEL 05.
 - NO. OF LOTS - 72.
 - AREA SUBDIVIDED - 19.82 ACRES.
 - THIS PROPERTY IS ZONED PR.
 - ALL LOTS ON THIS PLAN WILL HAVE ACCESS FROM INTERIOR STREET SYSTEM ONLY.
 - 10' UTILITY & DRAINAGE EASEMENT INSIDE ROAD FRONTAGE AND 5/8 PERIMETER LOT LINES, 5' EACH SIDE OF ALL INTERIOR LOT LINES.
 - VARIANCES REQUESTED:
 VERTICAL CURVE - STA. 0+21 TO 1+37 ROAD "A" 174.25' TO 116'
 VERTICAL CURVE - STA. 0+12 TO 1+88 ROAD "C" 275' TO 176'
 VERTICAL CURVE - STA. 0+25 TO 1+25 ROAD "D" 150' TO 100'
 ROAD PERCENTAGE OF GRADE - STA. 0+00 TO 0+79 ROAD "A" 1.00% TO 3.00%
 ROAD PERCENTAGE OF GRADE - STA. 0+00 TO 1+00 ROAD "C" 1.00% TO 2.00%
 ROAD PERCENTAGE OF GRADE - STA. 0+00 TO 1+75 ROAD "D" 1.00% TO 2.00%
 ROAD PERCENTAGE OF GRADE - STA. 1+00 TO 4+86 ROAD "C" 12.00% TO 13.00%

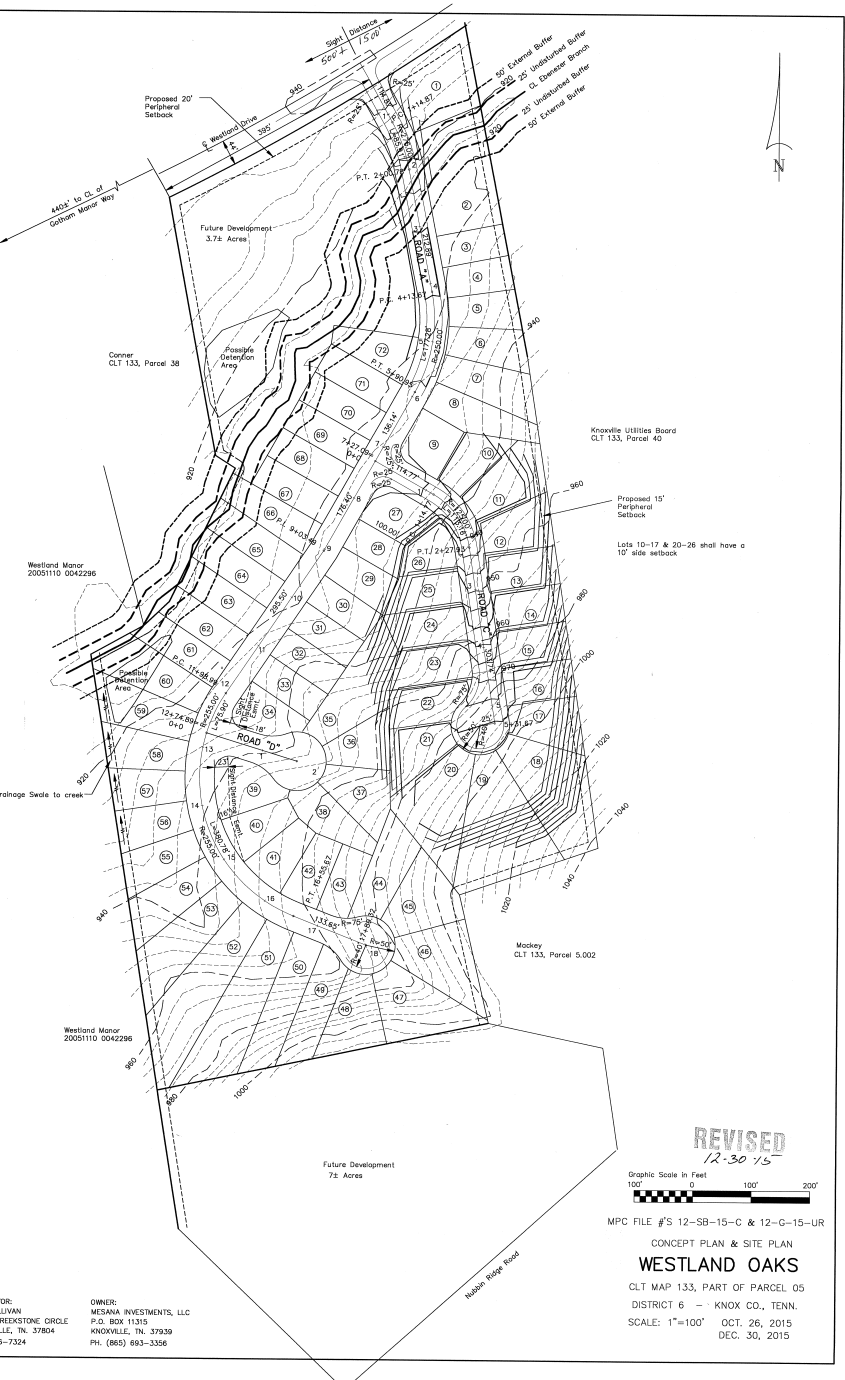


TYPICAL ROADWAY CROSS-SECTION NTS



SURVEYOR:
 JIM SULLIVAN
 2543 CREEKSTONE ORLE
 MARYVILLE, TN. 37804
 PH. 406-7324

OWNER:
 MESAMA INVESTMENTS, LLC
 P.O. BOX 11315
 KNOXVILLE, TN. 37939
 PH. (865) 893-3356



REVISED 12.30.15

Graphic Scale in Feet
 0 100' 200'

MPC FILE #S 12-SB-15-C & 12-G-15-UR
 CONCEPT PLAN & SITE PLAN
WESTLAND OAKS
 CLT MAP 133, PART OF PARCEL 05
 DISTRICT 6 - KNOX CO., TENN.
 SCALE: 1"=100' OCT. 26, 2015
 DEC. 30, 2015

RE: 12-G-15-UR (Mesana Investments, LLC)

I have grave concerns about this project going forward without an extensive review of the hydrology. The two projects that preceded this development have left a number of issues unsolved that has caused extensive damage to homes west of the development.

My concerns are two folds. First, that the hydrology plan takes into account the issues that exists with the runoff from the plan development land and second that in the past developers have not been held to the hydrology plan when building. Westland Manor that is just to the west of the intended development is such a development.

The original hydrology plan required that all of the water from hard surface areas (roofs, driveways, sidewalks, etc.) were to be directed to the street so that the detention areas could collect the water. Just a quick drive though the subdivision shows that most of the houses built on the west side of Gothic Manor Way do not follow this plan. Both the grading and the actual water discard have caused downstream issues for homeowners in Charlestown Landing the development to the west of Westland Manor. No one at the codes administration stopped the project; in fact the developer was allowed to build home after home even though each new home violated the development plan. What assurances do we have that this will not happen again? What recourse will Westland Manor or Charlestown Landing homeowners have if the plan is not followed? This development is a LLC and as in most cases at the end of the development all that is left is an empty corporate shell.

In addition to the problems with the previous developments, a number of homeowners in Westland Manor have suffered extensive water damage from uncontrolled runoff from the farm that is the subject of this Use on Review. In my own case, I had the developer put a catch basin on our property to stop the erosion from the uncontrolled farm runoff. Even with the catch basin it only takes a moderate rain to cause erosion. South of our house two residents were forced to spend tens of thousands of dollars in repair and remediation of water intrusion from the runoff. This is all without adequate recourse for recovery.

I would like MPC to require the developer to acquire a \$5,000,000 bond that would inure to any homeowner that is harmed by the developer's non-adherence to the development plan or damage caused by inaccurate design. This bond would be a prerequisite to beginning the development and remain in effect for five (5) years after the development is completed.

I am not against the development that is planned but I am concerned that we have the makings of another Harrill Hill development. The homeowners of Westland Manor and Charlestown Landing have suffered substantial financial harm from the lack of proper code enforcements. I ask you to give us a vehicle for redress if the developer fails to plan properly or build to the approved plan.

Paul Mandel
960 Gothic Manor Way,
Knoxville, TN 37923