

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

► **FILE #:** 1-SF-18-C

**AGENDA ITEM #:** 8

1-I-18-UR

**AGENDA DATE:** 2/8/2018

POSTPONEMENT(S): 1/11/18

► **SUBDIVISION:** THE COVE IN WEST HILLS

► **APPLICANT/DEVELOPER:** JIM SULLIVAN

OWNER(S): Wanda & Plumlee Moody

TAX IDENTIFICATION: 106 O A 039

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 0 Broome Rd

► **LOCATION:** Southeast side Broome Rd., northeast of Marlboro Rd.

SECTOR PLAN: Northwest City

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

WATERSHED: Ten Mile Creek

► **APPROXIMATE ACREAGE:** 12.42 acres

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

► **EXISTING LAND USE:** Vacant land

► **PROPOSED USE:** Detached residential subdivision

SURROUNDING LAND USE AND ZONING: This area is developed with low density residential uses under R-1, R-1E, and RP-1 zoning. A senior living facility is currently under construction on the adjacent property to the northeast in the RP-1 zone.

► **NUMBER OF LOTS:** 45

SURVEYOR/ENGINEER: Jim Sullivan

ACCESSIBILITY: Access is via Broome Rd., a major collector street with 18' of pavement width within 50' of right-of-way.

► **SUBDIVISION VARIANCES REQUIRED:** 1) Reduce the vertical curve length at STA 0+74 from 195ft (K=25) to 126ft (K=16.15).

**STAFF RECOMMENDATION:**

► **APPROVE** variance 1 in accordance with Concept Plan condition #1.

**APPROVE** the Concept Plan subject to 12 conditions.

1. Submitting a letter of justification from the applicants engineer evaluating the existing road conditions and providing recommended improvements needed to justify the variance based on AASHTO standards. The variance is not operable until the letter of justification is reviewed and approved by the City of Knoxville Department of Engineering (Knoxville Engineering). Any recommended improvements are the responsibility of the applicant. If Knoxville Engineering does not approve the letter of justification, the Concept Plan must be revised to meet the Minimum Subdivision Regulations and submitted to MPC and Knoxville Engineering staff to

verify conformance with the subdivision regulations.

2. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department and Knoxville Utilities Board.
3. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knoxville (Ord. 0-280-90).
4. Meeting all applicable requirements of the City of Knoxville Department of Engineering.
5. Place a note on the final plat that all lots will have access to the internal street system only.
6. Prior to recording the final plat, establish a homeowners association for the purpose of assessing fees for the maintenance of the stormwater drainage facilities and all other commonly held assets.
7. Obtaining all necessary offsite utility easements per the requirements of the Knoxville Utilities Board.
8. Obtaining all necessary offsite stormwater drainage easements per the requirement of the City of Knoxville Department of Engineering.
9. Widening Broome Road to a minimum 20' pavement width along the entire frontage and to the location where the adjacent development to the northeast will end their road widening as approved by the City of Knoxville Department of Engineering.
10. Installation of sidewalks as identified on the concept plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the City of Knoxville Department of Engineering. A bond shall be provided to the City of Knoxville Department of Engineering by the developer in an amount sufficient to guarantee the installation of the sidewalks. The sidewalk along Broome Rd. shall tie into the sidewalk being installed on the adjacent property to the northeast.
11. Submitting a sight distance certification letter from the applicants engineer for review and approval by the City of Knoxville Department of Engineering.
12. A final plat based on this concept plan will not be accepted for review by MPC until certification of design plan has been submitted to MPC staff.

► **APPROVE the Development Plan for up to 45 detached residential units on individual lots, subject to 1 condition.**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval of a Concept Plan in the RP-1 zone and a Use-on-Review.

**COMMENTS:**

The applicant is proposing to subdivide this 12.42 acre tract into 45 lots at a density of 3.6 dwelling units per acre (du/ac). The property is zoned RP-1 (Planned Residential) up to 6 du/ac. In 2007, the property was zoned from R-1 to RP-1 up to 6 du/ac with a condition restricting the use to senior citizen housing with up to 68 villas and an assisted living facility for up to 80 individuals in accordance with Memorandum of Agreement dated August 30, 2007 (see attachment). The proposal at the time was to construct an assisted living facility for 60-80 individuals on approximately 5 acres and 68 villas for senior citizens on 15.5 acres (approximately 4.4 du/ac). According to the Memorandum, the West Hills community was willing to accept the rezoning based on the concept plan presented. The proposed development never materialized and in early 2017 the property owner applied to have the condition removed that restricts the use of the property to housing for seniors. The application was postponed at January 2017 MPC meeting at the request of the applicant and approved by the Planning Commission on consent in February 2017.

The subject property is located on the southeast side of Broome Rd., approximately 600 feet south of Middlebrook Pike. The development includes sidewalks on one side of all internal roads and along the entire Broome Road frontage to tie into the sidewalk being installed to the northeast. This property is within the Parental Responsibility Zone for Bearden Middle School, which means that bus service is not provided. In such cases, MPC has a policy of recommending that sidewalks be installed.

The site has considerable topography change (approximately 65') from the high point along Broome Road to the low point along the rear property line. However, only a small part of the property in the southwest corner is within the Hillside Protection Area. The site is highly vegetated and will need to be cleared almost entirely to develop the subdivision as proposed.

This property is within the Ten Mile Creek watershed which requires stormwater retention rather than detention. Retention ponds hold water much longer than detention ponds and because of a steady release of water an easement will be needed from downstream property owners. If true retention or infiltration is used on the sight then easements from downstream property owners will not be required.

Broome Road is a major collector that is currently less than the minimum width standard of 20'. As part of this development, Broome Road will be widened to 20' along the entire frontage of the development and tie into the road widening being installed by the adjacent development to the northeast.

#### 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 utility services.
2. The proposed development has a density of approximately 3.6 du/ac, which consists of smaller lots than the typical .5 acre lots (~2 du/ac) within the adjacent West Hills and Bennett Place neighborhoods (zoned R-1E).
3. Controlling the volume of stormwater in the Ten Mile Creek watershed is a known issue that has resulted in stricter stormwater standards for development in this watershed. Before construction can begin on the site, the developer must prove those standards can be met during permit review. These stormwater standards provide downstream property owners additional protections against flooding compared to other areas in Knoxville.

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposed residential development meets the standards of the RP-1 (Planned Residential) zone and all other requirements of the Zoning Ordinance.
2. The proposed development is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the One Year 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 additional non-residential traffic through residential areas since the project is located on a collector street.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The One Year Plan and Northwest City Sector Plan identify this property for LDR (low density residential) uses with a maximum density of up to 6 du/ac. The proposed development density of 3.6 du/ac is within the development density permitted by these plans.
2. Approximately 1.3 acres in the southwest corner of the 12.42 acre property is within the Hillside Protection Area (HP) identified in the Northwest City Sector Plan. Of these 1.3 acres in the HP, approximately .4 acres are 25 percent slope or more, with the remainder primarily being between 15 - 25 percent slope. The steep slopes in the HP are on the west side of a natural drainage swale that runs through the property and are not part of a ridge system.

ESTIMATED TRAFFIC IMPACT: 497 (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: 16 (public school children, ages 5-18 years)

Schools affected by this proposal: West Hills Elementary, Bearden Middle, and Bearden High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- 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.

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 Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed.

**Wanda Moody**  
705 Broome Road  
Knoxville, Tennessee 37909  
Telephone 865 690-2766  
Fax 865 470-2731



**To: Mark Donaldson, Executive Director  
Metropolitan Planning Commission**

**From: Wanda Moody**

**Subject: Agenda Item September 13 Meeting  
7-F-05-RZ Shorewalker Place LLC**

**Date: August 20, 2007**

As you recall this item was removed from the table by the Planning Commission at its meeting on August 9 and is scheduled to be heard at the meeting on September 13. In this request I also asked that it be listed in my name as the property owner and known as Park at West Hills.

The request is to re-zone the 20.5 acre tract on the Southeast corner of Middlebrook Pike and Broome Road from R-1 to RP-1 Planned Residential. Plans are for the 5acre tract fronting on Middlebrook Pike to include an Assisted Living Facility that would accommodate 60-80 individuals. On the 15.5-acre tract fronting Broome Road up to 68 villas for senior citizens would be constructed with a price range of \$210,000 to \$330,000.

The developers and I have worked closely with the West Hills Home Owners Association in the development of the plans for the project, which should maintain the prevalent character of the neighborhood. A final copy of these agreements will be made available prior to the planning commission meeting.

Signed,

A handwritten signature in cursive script that reads "Wanda Moody".

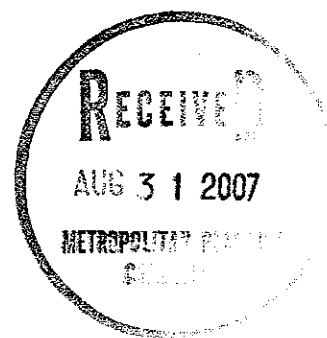
**Wanda Moody**

**CC: Kenneth Pruitt**

1-SF-18-C  
1-I-18-UR

**MEMORANDUM  
OF  
AGREEMENT**

**West Hills Community Association  
and  
Park at West Hills  
and  
Wanda Moody**



(7-F-05-RZ)

**WHEREAS**, The West Hills community is willing to accept re-zoning of the "Moody" property from R-1 to RP-1. The community's acceptance is founded on a concept plan presented by developers, which describes a community development for senior citizens, and includes an assisted living center, and

**WHEREAS**, the community, the property owner and the developer further requests consideration of the following provisos, which will hopefully maintain the prevalent character of the neighborhood, to wit:

1. The development should be clearly- identified, so far as allowed by law, as intended for senior citizens, including an assisted living facility. Assisted living should be defined as serving the needs of the elderly, and should not in any sense be construed to include rehabilitative services for treating people with addictive behaviors.
2. Density of dwellings should be no more than 68 condos or villas on the approximately 20 acres, with inclusion of an assisted living facility of adequate size to accommodate up to 80 residents.
3. The facility and condos/villas should be of such architectural design as to be compatible with adjacent homes, should be one story and should be at least partially brick, stone, or similar material.
4. Parking areas should be screened from adjacent homes and roads by berms, walls or landscaping where possible.
5. Property perimeters on roads should ideally include landscaping, and if dwellings do not face the road, a blend of fencing and landscaping should be utilized to enhance aesthetics for both residents and passers-by.
6. Interior perimeters should similarly be fenced, bermed and/or landscaped to provide privacy for residents and adjacent homeowners.
7. Lighting, on interior drives and parking areas should be subdued, and not of telephone pole height. Spotlights or other accent lighting, if necessary should be directed so as to contain the direct line of lighting within the perimeter of the property.

8. Storage of refuse collectors should be screened, and should be located in such a place as to have minimal impact, by noise, odor, or other on neighboring property or even on residents of the development.
9. A covenant should be in place, which defines character and activities associated with an upscale development.
10. A covenant is also required that the development be managed by an on-site entity in order to ensure maintenance of the development, and in particular any retention basins.
11. Density takes into account the ability of Broome Road to absorb additional traffic. It is also thought that if other than a seniors' development were considered than the density should be decreased because of traffic impact, and should not exceed 68 units on the total 20 acres
12. A traffic pattern should be established to minimize traffic on Broome Road, especially that portion of Broome Road that lies south of the development. The developer agrees to build, if feasible from an engineering standpoint, a road for the construction of the projects that will spill out onto Middlebrook Pike as much as possible. Naturally, any such road must be approved. The developer also will instruct delivery trucks for large building materials, such as concrete trucks, lumber trucks, block and brick trucks, to access and exit the building site, whenever possible, by way of Middlebrook Pike. Eventually, it will be necessary to close off the construction road over the assisted living site once the parking lot is constructed and the facility nears opening. At this point, access to and exit from the villa site will necessarily be from and onto Broome Road, but with specific instructions to the suppliers to use Middlebrook Pike to gain entrance and prohibit, whenever possible, the use of Broome Road for access to or exit from the property on that portion of Broome Road that lies south of the project.

Agreed this 30<sup>th</sup> day of August, 2007.

West Hills Community Representative

Joseph E. Lark, President WHPA

Park at West Hills Representative

Richard E. Rudenst

Wanda Moody Owner

Wanda Moody, Owner