

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

▶ **FILE #:** 6-SB-18-C **AGENDA ITEM #:** 8
 6-N-18-UR **AGENDA DATE:** 7/12/2018

POSTPONEMENT(S): 6/14/2018

▶ **SUBDIVISION:** FOUNTAINHEAD VILLAGE

▶ **APPLICANT/DEVELOPER:** KOONTZ-WILSON, LLC

OWNER(S): Koontz-Wilson, LLC

TAX IDENTIFICATION: 49 J D 004

[View map on KGIS](#)

JURISDICTION: County Commission District 2

STREET ADDRESS: 0 Fountainhead Ln

▶ **LOCATION:** Northwest side of Tazewell Pike, northwest end of Fountainhead Ln.

SECTOR PLAN: North City

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

WATERSHED: Whites Creek

▶ **APPROXIMATE ACREAGE:** 5.81 acres

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

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Detached Residential Subdivision

SURROUNDING LAND USE AND ZONING: North: Residences - PR (Planned Residential) and RA (Low Density Residential)
 South: Vacant land and school - RA (Low Density Residential)
 East: School and residences - RA (Low Density Residential) and PR (Planned Residential)
 West: School - R-1 (Low Density Residential)

▶ **NUMBER OF LOTS:** 22

SURVEYOR/ENGINEER: Robert Campbell & Associates

ACCESSIBILITY: Access is via Fountainhead Ln., a local street with a 26' pavement width within a 50' right-of-way.

▶ **SUBDIVISION VARIANCES REQUIRED:** None

STAFF RECOMMENDATION:

▶ **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. Installing sidewalks on at least one side of both streets within the subdivision. All sidewalk construction must comply with the requirements of the Americans With Disabilities Act and the Knox County Department of Engineering and Public Works. A bond shall be provided to the Knox County Department of Engineering and

- Public Works by the developer in an amount sufficient to guarantee the installation of the sidewalks.
3. All closed contours/sinkholes and the 50' setback around the feature shall be shown on the final plat. Building construction within the 50' setback may be permitted if a geotechnical study prepared by a registered engineer states that building within the 50' sinkhole buffer is acceptable and the study is approved by the Knox County Department of Engineering and Public Works. The geotechnical study must be completed and submitted to Knox County Department of Engineering and Public Works prior to submission of the final plat for any lots that do not have a building area outside of the 50' setback area. A 5' drainage easement extending outside of the uppermost closed contour is required. Building construction is not permitted within the hatched contour area of the sinkhole or the drainage easement. Engineered footings may be required for any structures within the 50' sinkhole buffer.
 4. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Environment and Conservation.
 5. Prior to the submission of the final plat for this subdivision, the regional detention pond being considered by Knox County to address stormwater problems in the area must be completed.
 6. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
 7. Prior to certification of the final plat for the subdivision, establishing a property owners association that will be responsible for the maintenance of the private street, sidewalks, common area and drainage system.
 8. Submitting to Planning Commission staff prior to final plat review by the Planning Commission, the certification of design plan approval form as required by the Knoxville-Knox County Subdivision Regulations.

► **APPROVE the Development Plan for up to 22 detached dwellings on individual lots 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 concept plan and use-on-review.

COMMENTS:

The applicant is proposing to subdivide this 5.81 acre site into 22 detached residential lots at a density of 3.79 du/ac. This proposed subdivision would be the final phase of the Fountainhead Village development.

Access to the site is via Fountainhead Ln. a local public street with access out to Tazewell Pike. Fountainhead Ln. which currently has a temporary turnaround at the northern end, will terminate with a cul-de-sac turnaround that will be located on this site. The 22 lots within the site will be served by private streets. Since this development will result in additional trips out to Tazewell Pike, The Tennessee Department of Transportation is evaluating whether they will require a Traffic Impact Study for the proposed subdivision.

Since the site is located within the parent responsibility zone, the construction of sidewalks within this project will be required which will connect to the existing sidewalks within the first phase of the development.

Knox County is evaluating a proposed regional pond to address stormwater problems in the area. The developer of Fountainhead Village is relying on Knox County to build the pond which will be located on property above and to the north of the proposed development. The pond area in the proposed Fountainhead Village is just to mitigate flows for their development. In order for the proposed concept to work, the regional pond would need to be built first.

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 all utilities are in place to serve this site.
2. The proposed detached residential subdivision is consistent in use and density with other residential development in the area.
3. Requiring the completion of the regional detention pond before a final plat can be approved for the subdivision will reduce any further complication of the stormwater problems in the area.

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 (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 development will be 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 significantly draw additional traffic through residential areas. The future development of this site was identified as a part of the initial development approval.
3. The recommended density of this site is up to 5 dwellings per acre. The proposed 3.79 du/ac is within the permitted zoning density.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North City Sector Plan identifies this property as low density residential with a maximum density of 5 du/ac. The PR zoning approved for this site allows a density up to 5 du/ac which is consistent with the Sector Plan.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy.

ESTIMATED TRAFFIC IMPACT: 257 (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.

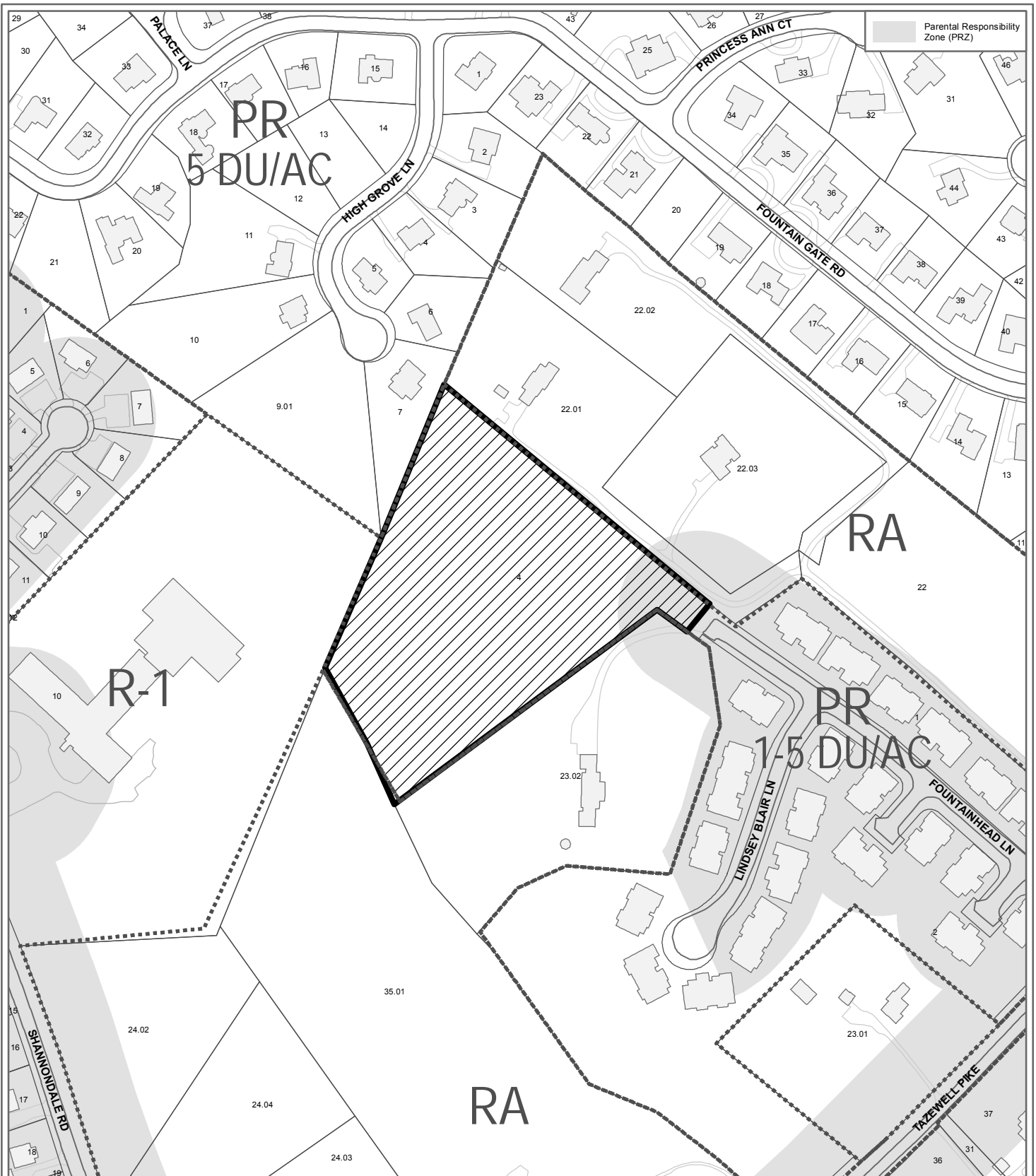
ESTIMATED STUDENT YIELD: 8 (public school children, ages 5-18 years)

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.
- 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.

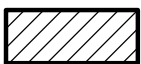
MPC's approval or denial of this concept plan request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court hearing will depend on when the appeal application is filed.

MPC's approval or denial of this use on review request is final, unless the action is appealed to the 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.



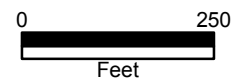
**6-SB-18-C / 6-N-18-UR
CONCEPT PLAN/USE ON REVIEW**

Petitioner: Koontz-Wilson, LLC
Fountainhead Village



Detached Residential Subdivision in PR (Planned Residential)

Map No: 49
Jurisdiction: County



Original Print Date: 5/14/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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

[MPC Comment] Fwd: Koontz Project 6-N-18-UR

5 messages

Gerald Green <gerald.green@knoxmpc.org>
Reply-To: gerald.green@knoxmpc.org
To: Planning Commissioners <commission@knoxmpc.org>

Mon, Jun 4, 2018 at 3:59 PM

FYI
Gerald Green AICP
Executive Director
Knoxville-Knox County
Metropolitan Planning Commission
[400 Main Street, Suite 403](#)
[Knoxville, TN 37902](#)
[865.215.3758](#)
gerald.green@knoxmpc.org

----- Forwarded message -----

From: Doug Bailey <bailey5312@bellsouth.net>
Date: Sun, Jun 3, 2018 at 4:34 PM
Subject: Koontz Project 6-N-18-UR
To: "gerald.green@knoxmpc.org" <gerald.green@knoxmpc.org>

Dear Mr. Green,

My name is Doug Bailey, and I am sending these short videos to you to document the reason for my communities opposition to Gary Koontz's proposed development that would be integral to our community here at Fountainhead Condominiums. In one video I mistakenly say I am a resident of Fountaingate. These videos are of the main road, Fountainhead Lane, in Fountainhead Condos, where I have been a resident for 14+ years. Not only would this proposed development negatively impact our community, but we believe it would also create a major drainage/flooding problem for Fountaingate subdivision. We therefore ask the MPC to deny approval for this Koontz project, 6-N-18-UR.

Respectfully,

Doug Bailey (on behalf of Fountainhead Condos)

Sent from [Mail](#) for Windows 10

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This message was directed to commission@knoxmpc.org

 Koontz Project 1 Low Res.MP4



[MPC Comment] Item #14 File 6-SB-18-C, 6-N-18-UR

1 message

ombroligo via Commission <commission@knoxmpc.org>
Reply-To: ombroligo@aol.com
To: commission@knoxmpc.org

Tue, Jun 12, 2018 at 9:59 AM

TO: Metropolitan Planning Commissioners
FROM: Fountain City Town Hall, Inc.
DATE: June 12, 2018

RE: Item 14, File 6-SB-18-C, 6-N-18-UR

The Board of Fountain City Town Hall, Inc., unanimously voted to request the variance reducing the Peripheral Boundary Setback from 35 feet to 25 feet be denied and that the density be reduced.

The Knox County Zoning Ordinance, 5.13.06, allows the MPC to reduce the setback, but the setback reduction is not automatic. And, MPC has the ability to approve a development with lower density if density and impervious surface would negatively impact the surrounding areas.

The history of serious flooding events in this area is well documented. And, a network of sinkholes has been identified in this area, as well as on this specific property. Allowing the maximum amount of development possible on the usable portions of this site makes no sense.

County taxpayers will be paying for the construction and long-term maintenance of the regional detention pond proposed to be built immediately upstream from this property. In fact, construction of that regional detention pond is a condition of the approval of this development.

It is the practice of over-development of flood-prone properties with known engineering challenges, that has necessitated the construction of this regional detention facility--an after-the-fact attempt at a stormwater solution at the expense of the taxpayers.

The over-development of this condo site will result in additional flooding problems and the need for additional public investment.

We ask that you deny the variance to reduce the Peripheral Boundary Setback and that you reduce the density.

Yours truly,
Charlotte Davis, Carlene Malone, Land Use Co-Chairs

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This message was directed to commission@knoxmpc.org



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

[MPC Comment] Fountainhead Village File 6-N-18-UR

1 message

'Paul Eydam' via Commission <commission@knoxmpc.org>

Tue, Jun 12, 2018 at 9:20 AM

Reply-To: beydawfb@yahoo.com

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

The above project is on the agenda for this Thursday meeting. Today (Tuesday) you will be discussing this project. I am a resident at 5259 Fountainhead Lane and have some concerns regarding the Koontz project.

There are contingencies that are of concern:

1. The proposed retention pond TO BE BUILT BY KNOX COUNTY before this project can continue. Is there really going to happen??
2. This area that is to be developed has sinkholes; and more in the future
3. Drainage/flooding is a common occurrence after rains. The natural drainage flows DOWN this area, across other properties and eventually to the neighboring subdivision of Fountain Gate. Matter of fact, a new sinkhole has developed behind 5255 Fountain Gate Rd.

I urge you, in your discussion today, **do NOT consent to this project until ALL contingencies are met!** There are multiple other issues that need attention.

Thank you

Mary Eydam

5259 Fountainhead Lane

Sent from [Mail](#) for Windows 10

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This message was directed to commission@knoxmpc.org



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

[MPC Comment] Fwd: Koontz Development Project

1 message

Gerald Green <gerald.green@knoxmpc.org>
Reply-To: gerald.green@knoxmpc.org
To: Planning Commissioners <commission@knoxmpc.org>

Wed, Jun 20, 2018 at 2:45 PM

FYI

Gerald Green AICP
Executive Director
Knoxville-Knox County
Metropolitan Planning Commission
400 Main Street, Suite 403
Knoxville, TN 37902
865.215.3758
gerald.green@knoxmpc.org

----- Forwarded message -----

From: **Doug Bailey** <bailey5312@bellsouth.net>
Date: Tue, Jun 19, 2018 at 3:13 PM
Subject: Koontz Development Project
To: "gerald.green@knoxmpc.org" <gerald.green@knoxmpc.org>

Dear Mr. Green,

I wanted to rebut a statement Mr. Koontz made at the June 14th MPC meeting. He stated he had met with Fountainhead's HOA regarding his project. No such meeting ever occurred. He did call our President of the Board, and gave him some details of the planned development, but that's all. I have been on the board since February, and our President reported their phone conversation and described it as a "sales job". I also encountered Mr. Koontz on Fountainhead Lane a few weeks ago as he was removing the curbing at the end of our street to access his property. I argued with him that he was crossing our property, and he said that he owned it. It's hard to stop a bulldozer. The end of our very civil conversation was when I stated that we would oppose his development, which we are doing.

I am attaching a couple of short videos to illustrate the steep gradient of the development's property, and the sinkhole that is developing at Fountain Gate subdivision, in case you haven't seen it. Mr. Koontz's property already has two large sinkholes partly inside and partly outside his project that seem dormant, if that is the proper description of their status. My question to the MPC is, why risk future significant problems by letting Mr. Koontz handle his own drainage engineering solution? I am preparing a document that describes Fountainhead Condos own experience with Mr. Koontz's drainage problems after construction. His new project presents many more serious challenges in this area that could be left behind for the county and new residents to deal with after he has finished developing.

Sincerely,

Doug Bailey

SUBDIVISION - CONCEPT

Name of Applicant: KOONTZ-WILSON, LLC
 Date Filed: 4/30/2018 Meeting Date: 6/14/18
 Application Accepted by: M. Payne
 Fee Amount: 1160⁰⁰/₁₀₀ File Number: Subdivision - Concept 6-5B-18-C
 Fee Amount: 4 Related File Number: Development Plan 6-N-18-VR

<p align="center">PROPERTY INFORMATION</p> <p>Subdivision Name: <u>FOUNTAINHEAD VILLAGE</u></p> <hr/> <p>Unit/Phase Number: <u>1</u></p> <p>General Location: <u>NORTH OF FOUNTAINHEAD LANE</u> <u>& NORTH SIDE OF TAZEWELL PIKE</u></p> <p>Tract Size: <u>5.81</u> No. of Lots: <u>22</u></p> <p>Zoning District: <u>PR</u></p> <p>Existing Land Use: <u>UNUSED LAND</u></p> <p>Planning Sector: <u>NORTH CITY</u></p> <p>Growth Policy Plan Designation: <u>Urban</u></p> <hr/> <p>Census Tract: <u>51</u></p> <p>Traffic Zone: <u>13B</u></p> <p>Parcel ID Number(s): <u>049JD004</u></p> <hr/> <p>Jurisdiction: <input type="checkbox"/> City Council _____ District <input checked="" type="checkbox"/> County Commission <u>2nd</u> District</p>	<p align="center">PROPERTY OWNER/OPTION HOLDER</p> <p>PLEASE PRINT Name: <u>GARY KOONTZ</u></p> <p>Company: <u>KOONTZ-WILSON, LLC</u></p> <p>Address: <u>3232 TAZEWELL PIKE</u></p> <p>City: <u>KNOXVILLE</u> State: <u>TN</u> Zip: <u>37918</u></p> <p>Telephone: <u>(865) 688-1155</u></p> <p>Fax: _____</p> <p>E-mail: <u>garykoontz@garykoontz.com</u></p> <hr/> <p align="center">PROJECT SURVEYOR/ENGINEER</p> <p>PLEASE PRINT Name: <u>Garrett M. Tucker, PE, LS</u></p> <p>Company: <u>Robert G. Campbell & Associates, LP</u></p> <p>Address: <u>7523 Taggart Lane</u></p> <p>City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37938</u></p> <p>Telephone: <u>(865) 947-5996</u></p> <p>Fax: <u>(865) 947-7556</u></p> <p>E-mail: <u>gtucker@rgc-a.com</u></p> <hr/> <p align="center">APPLICATION CORRESPONDENCE</p> <p>All correspondence relating to this application (including plat corrections) should be directed to:</p> <p>PLEASE PRINT Name: <u>Garrett M. Tucker</u></p> <p>Company: <u>Robert Campbell & Associates</u></p> <p>Address: <u>7523 Taggart Lane</u></p> <p>City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37938</u></p> <p>Telephone: <u>(865) 947-5996</u></p> <p>Fax: <u>(865) 947-7556</u></p> <p>E-mail: <u>gtucker@rgc-a.com</u></p>
<p align="center">AVAILABILITY OF UTILITIES</p> <p>List utility districts proposed to serve this subdivision:</p> <p>Sewer <u>KUB</u></p> <p>Water <u>KUB</u></p> <p>Electricity <u>KUB</u></p> <p>Gas <u>KUB</u></p> <p>Telephone <u>Bellsouth</u></p>	
<p align="center">TRAFFIC IMPACT STUDY REQUIRED</p> <p align="center"><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	
<p align="center">USE ON REVIEW <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p> <p>Approval Requested:</p> <p><input checked="" type="checkbox"/> Development Plans in Planned District or Zone</p> <p><input type="checkbox"/> Other (be specific): _____</p>	
<p align="center">VARIANCE(S) REQUESTED</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If Yes, see reverse side of this form)</p>	

VARIANCES REQUESTED

1. REDUCTION OF PERIPHERAL SETBACK FROM 35 FEET TO 25 FEET

Justify variance by indicating hardship: TOPOGRAPHY & SHAPE OF PARCEL

2. _____

Justify variance by indicating hardship: _____

3. _____

Justify variance by indicating hardship: _____

4. _____

Justify variance by indicating hardship: _____

5. _____

Justify variance by indicating hardship: _____

6. _____

Justify variance by indicating hardship: _____

7. _____

Justify variance by indicating hardship: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, as listed on this form. I further certify that any and all variances needed to meet regulations are requested above, or are attached. I understand and agree that no additional variances can be acted upon by the legislative body upon appeal and none will be requested. I hereby waive the requirement for approval or disapproval of the plat within sixty (60) days after its submission, in accordance with the provisions of Tennessee Code Annotated 13-3-404.

PLEASE PRINT

Name: Gary Koontz

Address: KOONTZ-WILSON, LLC
3232 Tazewell Pike

City: Knoxville State: TN Zip: 37918

Telephone: (865) 688-1155

Fax: _____

Signature: 

Date: 7-30-18

E-mail: garykoontz@garykoontz.com