



SUBDIVISION REPORT - CONCEPT/USE ON REVIEW

▶ **FILE #:** 1-SA-19-C
1-D-19-UR

AGENDA ITEM #: 10
AGENDA DATE: 1/10/2019

▶ **SUBDIVISION:** THE MOODY PROPERTY

▶ **APPLICANT/DEVELOPER:** JRG DEVELOPMENT, LLC

OWNER(S): JRG Development, LLC

TAX IDENTIFICATION: 106 O A 039 [View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 0 Broome Rd

▶ **LOCATION:** Southeast side of Broome Rd., south of Middlebrook Pike

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:** 30

SURVEYOR/ENGINEER: Urban Engineering, Inc.

ACCESSIBILITY: Access is via Broome Rd., a minor collector street with 18' of pavement width within 50'-60' of right-of-way.

▶ **SUBDIVISION VARIANCES REQUIRED:**

- 1) Reduce the required tangent length of a broken back curve from 150' to 72.01' at STA 1+53.01 on Road "C".
- 2) Reduce the required tangent length of a reverse curve from 50' to 44.72' at STA 4+08.65 on Road "A".
- 3) Reduce the required depth of a double frontage lot from 150' to 125' along the shortest lot line for Lot 2.

STAFF RECOMMENDATION:

▶ **APPROVE** variances 1-3 because the site's topography and shape restrict compliance with the Subdivision Regulations and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to 12 conditions.

1. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health

Department and Knoxville Utilities Board.

2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knoxville (Ord. O-280-90).
3. Meeting all applicable requirements of the City of Knoxville Department of Engineering.
4. Placing a note on the final plat that all lots will have access to the internal street system only.
5. 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.
6. Obtaining all necessary offsite utility easements per the requirements of the Knoxville Utilities Board.
7. Obtaining all necessary offsite stormwater drainage easements per the requirement of the City of Knoxville Department of Engineering.
8. Widening Broome Road to a minimum 20' pavement width from the Road "A" intersection to the location where the adjacent development to the northeast will end their road widening, and as approved by the City of Knoxville Department of Engineering.
9. 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.
10. Submitting a sight distance certification letter from the applicants engineer for review and approval by the City of Knoxville Department of Engineering.
11. Installing multiple retention ponds in the approximate locations as shown on the Concept Plan. Additional retention ponds of similar or smaller size may be approved by Planning Commission staff and the City of Knoxville Department of Engineering if the proposal meets the intent of this approval to utilize multiple small retention ponds.
12. A final plat based on this Concept Plan will not be accepted for review by the Planning Commission until certification of design plan has been submitted to Planning Commission staff.

► **APPROVE the Development Plan for up to 30 detached residential units on individual lots, subject to 2 condition.**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Maintaining the existing trees within the 25' peripheral boundary of the development, with exception to the Broome Road frontage, and installation of tree protection fencing before grading begins on the site.

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:

***** Summary of plan revisions submitted 1/7/2019 *****

This staff report was revised based on the revised Concept Plan submitted on 1/7/2019. The condition requiring the roads to be revised to meet the Minimum Subdivision regulations (former condition #11) has been removed because the horizontal curve radii now meet the minimum requirements. There are two other road design variances that staff is recommending approval of.

Changes to the Concept Plan include the following:

- 1) Horizontal curve radii for the roads were increased to meet the minimum requirement of 154'.
- 2) The variance request to reduce the Road "C" broken back curve tangent length was increased from 97.82' to 72.01'. This is because the horizontal radii were increased as described in #1 above which made the tangent between curves shorter. The required tangent length is 150'.
- 3) A new road variance is requested to reduce the Road "A" reverse curve tangent length from 50' to 44.72' (at the Road "C" intersection). This was again caused by the increased road radii.
- 4) Additional information has been provided in the Sight Distance Evaluation letter for the intersections within the development.

The applicant is proposing to subdivide this 12.42 acre tract into 30 lots at a density of 2.4 dwelling units per acre (du/ac). In 2007 the property was rezoned 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. 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. 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 Rd. frontage to tie into the sidewalk being installed to the northeast by the senior living facility. This property is within the Parental Responsibility Zone for Bearden Middle School, which means that bus service is not provided. In such cases, the Planning Commission policy is to recommend sidewalks within subdivisions.

Broome Rd. is a minor collector that is currently less than the minimum width standard of 20'. As part of this development, Broome Rd. will be widened approximately 2', from 18' to 20', from the entrance of the development and to the road widening being installed to the northeast by the adjacent development.

The roads within the subdivision are proposed as 40' wide private right-of-ways with 24' of pavement. This is permissible with approval by the Planning Commission, which staff is recommending to reduce the amount of land disturbance and allow existing vegetation to be protected along the peripheral boundary of the development. The design speed of the private road is 25 MPH and with the revised Concept Plan submitted on 1/7/2019 (summarized above) the road design meets the minimum requirements of the Subdivision Regulations.

The site has considerable topography change (approximately 65') from the high point along Broome Rd. to the low point along the rear property line, however, only the southwest corner of the property is within the Hillside Protection Area. The site is highly vegetated and substantial clearing will be required, however, the applicant has proposed to maintain the existing vegetation within the 25' peripheral setback (except along Broome Rd.) and in some areas there may be additional undisturbed areas, such as in the southwest corner of the site. The limit of land disturbance is to be visually marked before grading starts with 5' tall orange plastic fencing.

The subdivision has one lot (Lot 2) that does not meet the 150' double frontage lot depth standard of the subdivision regulations. In such cases staff typically recommends a common area with landscaping to create separation between the lot and the roadway to the rear, however, in this case the amount of road frontage that is involved is a relatively small portion of the Broome Road frontage. Because the house lot is below the Broome Rd. elevation and only a portion of the irregularly shaped lot is less than 150' feet (average lot depth is 145'), staff is recommending approval of the variance to reduce the double frontage lot depth to 125', which is the depth of the shortest side lot line for Lot 2.

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 site then easements from downstream property owners may not be required. This plan proposes three retention ponds to disperse capture of stormwater, reduce the size of the individual ponds, and reduce the need for grading and land disturbance. Staff has recommended a condition requiring the use of multiple retention ponds located in the general location shown on the Concept Plan, since the concentration of the stormwater into a single large pond has been a concern of the downstream property owners.

The development plan designates approximately 33% (4.1 acres) of the land area as open space. Some this area will be used for retention ponds, and some will be left as vacant land scattered throughout the development and undisturbed buffers around the boundary of the development.

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 2.4 du/ac on lots that are smaller than the typical .5 acre lots (~2 du/ac) within the adjacent West Hills and Bennett Place neighborhoods (zoned R-1E).
3. Approximately 33% (4.1 acres) of the site is designated as open space.
4. 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. The

proposed development decentralizes the stormwater retention into three ponds rather than one large pond.

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 2.4 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. Approximately .5 acres of the HP area is proposed to be left undisturbed.

ESTIMATED TRAFFIC IMPACT: 342 (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 school children, ages 5-18 years)

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

- School-age population (ages 5–18) is estimated 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.

Knoxville-Knox County Planning Commission'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.

Knoxville-Knox County Planning Commission'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.