



SUBDIVISION REPORT - CONCEPT/DEVELOPMENT PLAN

▶ **FILE #:** 12-SC-22-C **AGENDA ITEM #:** 21
12-C-22-DP (REVISED) **AGENDA DATE:** 2/9/2023

POSTPONEMENT(S): 12/8/2022

▶ **SUBDIVISION:** THE PRESERVE AT WHITES CREEK
▶ **APPLICANT/DEVELOPER:** W. SCOTT WILLIAMS & ASSOCIATES
OWNER(S): Randy Guinard Cafe International LLC

TAX IDENTIFICATION: 59 00201,002 [View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 4760 BEVERLY RD (0 NEW BEVERLY BAPTIST CHURCH RD)

▶ **LOCATION:** Northeast side of Beverly Rd, north of Greenway Dr

SECTOR PLAN: North City

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

WATERSHED: Whites Creek

▶ **APPROXIMATE ACREAGE:** 84.56 acres

▶ **ZONING:** PR (Planned Residential), F (Floodway)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶ **PROPOSED USE:** Attached and detached residential subdivision

SURROUNDING LAND USE AND ZONING: North: Industrial, Agricultural/Forestry/Vacant -- I-G (General Industrial), I (Industrial)
South: Single family residential, Rural residential, agricultural/forestry/vacant, Office, and Industrial -- RB (General Residential), RA (Low Density Residential), I (Industrial), A (Agricultural)
East: Agricultural/forestry/vacant -- RB (General Residential), I (General Industrial), F (Floodway)
West: Agricultural/forestry/vacant -- I-G (General Industrial District), HP (Hillside Protection Overlay), F (Floodplain Overlay)

▶ **NUMBER OF LOTS:** 196

SURVEYOR/ENGINEER: Scott Williams W. Scott Williams and Associates

ACCESSIBILITY: Access is via Beverly Road, a major collector with a pavement width of 21-ft within a right-of-way width of 48-ft.

▶ **SUBDIVISION VARIANCES REQUIRED:** **VARIANCES**
1. Reduce the minimum vertical curve on Road 'A' from K=25 to K=18.33 at STA 0+93.22

ALTERNATIVE DESIGN STANDARDS REQUIRING KNOXVILLE-KNOX COUNTY PLANNING COMMISSION APPROVAL

1. Reduce the minimum horizontal curve radius from 250' to 150' on

Road 'A' at STA 0+53.67

2. Reduce the minimum horizontal curve radius from 250' to 200' on

Road 'B' at STA 2+03.29

3. Reduce the minimum horizontal curve radius from 250' to 200' on

Road 'B' at STA 17+89.77

4. Reduce the minimum street frontage width from 25' to 22' for lots 6-10, 16-20, 26-30, 41-45, 51-55, 61-65, 71-80, 86-90, 96-100, and 106-110.

**ALTERNATIVE DESIGN STANDARDS REQUIRING KNOX COUNTY
ENGINEERING AND PUBLIC WORKS APPROVAL**

1. NONE

STAFF RECOMMENDATION:

- **Approve the requested variance and alternative design standards based on the justification provided by the applicant and recommendations of the Knox County Department of Engineering and Public Works.**

Approve the Concept Plan subject to 11 conditions.

- 1) Connection to sanitary sewer and meeting other relevant utility provider requirements.
- 2) Provision of street names consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
- 3) Certifying that the required sight distance is available along Beverly Road in both directions at the Road 'A' intersection, with documentation provided to the City of Knoxville Department of Engineering for review and approval during the design plan phase. The sight distance shall be certified using design grades at the entrance before grading permits are issued for the site.
- 4) Obtaining all necessary permits from the City of Knoxville for work within the Beverly Road right-of-way.
- 5) Provide guest parking in accordance with Section 3.03.B.1. of the Subdivision Regulations, which allows reduction of the minimum 25-ft street frontage if guest parking is provided throughout the development. Adjustments to the guest parking location may be approved by Planning staff during the design plan phase.
- 6) Providing a 50-ft wide right-of-way stub-out at the eastern terminus of Road 'A' that extends to the eastern property boundary. The stub-out shall be provided on the Final Plat and identified for future connection per section 3.04.C.2.d. of the Subdivision Regulations.
- 7) Land disturbance within the HP area shall not exceed 12.6 acres, as recommended by the slope analysis (attached). The limit of disturbance is to be verified and delineated on the site with high-visibility fencing before grading permits are issued for the site. Undergrowth in the undisturbed HP areas may be cleared for passive recreational uses, such as walking trails. Selective tree removal is permissible for the removal of invasive species or to alleviate safety hazards, such as trees that are falling, dead, or dying.
- 8) Implementing the recommendations of the Transportation Impact Analysis for The Preserve at Whites Creek (AJAX Engineering, 11/16/2022), as revised and approved by Planning Commission staff, Knox County Engineering and Public Works, and City of Knoxville Engineering (see Exhibit A). The City of Knoxville is not requiring the applicant to make off-site improvements. However, sight distance along Beverly Road must be certified per condition #3.
- 9) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works and the City of Knoxville Department of Engineering.
- 10) Before certification of the final plat for the subdivision, establish a home owners association responsible for maintaining common facilities, such as common areas, amenities, private roads, and/or stormwater drainage systems. The PR (Planned Residential) zone requires all common open space to be controlled by an HOA if lots less than 3,000 sqft are created.
- 11) The boundary of the F (Floodway) zone must be provided on the plans submitted for design plan review with Knox County Engineering and Public Works. All uses, including structures, must meet the requirements of the F (Floodway) zone (Section 5.70 of the Knox County Zoning Ordinance). No residential structures are permitted in the F (Floodway) zone per Section 5.70.04.B.1.

- **Approve the development plan for an attached and detached residential subdivision with up to 196 dwellings on individual lots, subject to 3 conditions.**

- 1) Meeting all applicable requirements of the Knox County Zoning Ordinance.
- 2) The maximum height of the attached dwellings shall be 35 feet.
- 3) The minimum building setback is 20 ft along the Road 'A' frontage of lot 110.

With the conditions noted, this plan meets the requirements for approval in the PR district and the criteria for

approval of a development plan.

COMMENTS:

This proposal is a residential subdivision with 196 lots on 84.56 acres at a density of 2.31 du/ac. There are 110 attached and 86 detached residential house lots.

REZONING AND ALLOWED DENSITY [CORRECTED 2/6/2023 -- added F (Floodway) to the property zoning] In February 2021, Knox County Commission approved rezoning the property from I (Industrial), RB (General Residential), and F (Floodway) to PR (Planned Residential) zoning up to 2.51 du/ac and F (Floodway), as recommended by the Planning Commission (1-E-21-RZ). As documented in the staff report, the recommended density was based on allowing the requested 196 dwelling units on the total acreage of the site, which was assumed to be 78 acres at the time (196 units / 78 acres = 2.51 du/ac). The staff report noted that the applicant requested a density of 3.22 du/ac on the 61 acres (3.22 du/ac x 61 acres = 196 units), which excluded the 16-17 acres in the floodway.

The applicant intends to donate land in and around the floodway to Legacy Parks Foundation. The applicants concern during the rezoning was that the act of donating the land would reduce the total area of the site and therefore reduce the number of residential dwellings allowed. If the land donation happens, it will be after the approval of the concept plan and development plan, so it will not negatively impact the allowed number of dwelling units.

It is staff's opinion that up to 196 dwellings can be requested and approved on this site because the total acreage of the site, including the portion zoned F (Floodway), and the requested 196 dwelling units on the rezoning application were considered when determining the recommended and approved density (dwelling units per acre) for the site. During the rezoning, the assumed acreage of the site was 78 acres. The concept plan states that the site is 84.56 acres. Even though the site is approximately 6 acres larger than previously thought, the number of dwelling units cannot exceed 196.

SITE CONSTRAINTS

This 84-acre site has approximately 40.5 acres in the Hillside Protection (HP) area, and approximately 26.5 acres in the FEMA 500-year floodplain. There are approximately 17 acres that are not constrained (20% of the site), which is where the majority of the lots are located. The slope analysis recommends a maximum disturbance of 12.6 acres in the HP area. The preliminary limit of disturbance proposes 9.5 acres of disturbance in the HP area. Staff is recommending that disturbance within the HP area not exceed 12.6 acres, as recommended by the slope analysis. This is to be verified during the design plan phase and delineated with high visibility fencing before grading permits are issued for the site.

ROAD CONNECTIVITY

This 196-lot development has single access from Beverly Road and a single-loaded 26-ft wide road until the first intersection with Road 'B'. The number of dwellings exceeds the long-standing unwritten design policy requiring a second entrance or a boulevard entrance road when a subdivision has more than 150 lots. The purpose of this policy is to address access for emergency services, but it also has the secondary benefit of increasing connectivity when multiple entrances are established.

This site does not have a feasible secondary access point because of the limited frontage on Beverly Road, the stream and rail line to the north, and the ridge to the south. In staff's opinion, a boulevard road cross-section from Beverly Road to the Road 'B' intersection does not provide enough additional benefit to warrant requiring a boulevard in this case. With dwellings located only on one side of the street, the roadway between Beverly Road and Road 'B' will be less congested with on-street parking and vehicles entering and exiting driveways.

A right-of-way stub-out is provided at the eastern terminus of Road 'A'. However, this only provides marginal benefit as secondary access, such as for emergency purposes, if the Beverly Road access is blocked. The only potential road connection to the east is McCampbell Drive, which is narrow with limited opportunity for widening because of the adjacent rail line, and is frequently flooded by Murphy Creek and Whites Creek.

STORMWATER

The site design must meet the standards in the Knox County Stormwater Ordinance. The preliminary stormwater plan on the concept plan includes three (3) detention ponds; one near Beverly Road and two in the eastern half of the development on the north side of Road 'A'.

VARIANCES AND ALTERNATIVE DESIGN STANDARDS

There is one (1) variance and four (4) alternative design standards requested. The variance is to reduce the

minimum vertical curve at the entrance of the subdivision, Road 'A' at Beverly Road, from K=25 to K=18.33. This results in a road grade transition that is sharper than normally required at an intersection with a classified road (collector or arterial). The Beverly Road right-of-way (ROW) is in the City of Knoxville. The Road 'A' connection must meet the City standards for sight distance and road design in the ROW and the County road design standards on the subject site. The City uses AASHTO road design standards which has alternative methods of design to match the needs of the site. The County uses the standards in the Subdivision Regulations, which are not flexible. Once the Road 'A' enters the subject property, a variance is required to match the road design allowed in the City. One reason that a greater K value is required along classified roads is to make it easier, or in some instances feasible, to widen the classified road and tie in the side street with grades that are not too steep. If Beverly Road is ever widened or realigned in the future, it will most likely be to the west side of Beverly Road because of the steep hillside to the east, and it will reduce the sharpness of the S-curve in this section of roadway.

There are three (3) alternative design standard requests to reduce the minimum 250-ft horizontal curve radius. On Road 'A', the request is for a 150-ft radius near the Beverly Road intersection. The larger required radius is less of a concern in this location because vehicles will be traveling at a reduced speed as they slow when approaching the intersection or still accelerating as they enter the site. On Road 'B', there are two requests for 200-ft radii. These horizontal curves are near intersections but they are longer in length so they need to accommodate a slightly greater vehicle speed. The 200-ft horizontal curve meets AASHTO standards for a road design speed of 25 mph, which all residential streets in Knox County are posted.

The other alternative design standard is a request to reduce the minimum lot frontage from 25 ft to 22 ft. Section 3.03.B.1. of the Subdivision Regulations allows the Planning Commission to reduce the minimum street frontage to 20 ft for attached house lots if guest parking is provided throughout the development. Guest parking is provided in several locations on Road 'A' and Road 'B'.

DEVELOPMENT PLAN ANALYSIS PER ARTICLE 6, SECTION 6.50.06 (APPROVAL OR DENIAL)

In the exercise of its administrative judgment, the Planning Commission shall determine if the proposed plan is in harmony with the general purpose and intent of the zoning ordinance and adopted plans.

1) ZONING ORDINANCE -- [MODIFIED 2/6/2023 -- added F (Floodway) zone]

PR (Planned Residential) up to 2.51 du/ac and F (Floodway):

- a) The PR zone allows detached and attached houses as a permitted use. The administrative procedures for the PR zone require the Planning Commission to approve the development plan before permits can be issued (Article 5, Section 5.13.15).
- b) This PR zone district is approved for a maximum of 2.51 du/ac for the total acreage of the site, but not to exceed 196 dwellings (see the Rezoning and Allowed Density comments). This proposal is for 196 dwelling units at 2.31 du/ac (based on the total acreage on the Concept Plan).
- c) The maximum height is determined by the Planning Commission for any use other than houses and duplexes. Staff recommends a maximum height of 35 ft for the attached dwellings, which is consistent with the maximum height allowed in nearby residentially zoned properties.
- d) The F (Floodway) zone allows open-type uses, subject to approval by the county engineer. A summary of the permitted uses allowed when adjacent to adjacent agricultural, residential, and estates zone districts are as follows: agricultural; roads and utilities; public and private parks; recreational camp, campgrounds, and camp trailer parks; commercial excavation of natural materials and improvements of a stream channel; and yard/rummage sales. See Section 5.70.02.A. of the Knox County Zoning Ordinance for a full list of permitted uses.
- e) The F (Floodway) zoned area is part of the common open space for the subdivision.

2) GENERAL PLAN – DEVELOPMENT POLICIES

- a) Encourage flexible, planned development zones to protect hillsides, woodlands, wildlife habitats, and stream corridors (Policy 6.1) – The subject site has both Hillside Protection (HP) and Stream Protection (SP) areas. The slope analysis recommends a maximum of 12.6 acres of disturbance in the HP area. The land disturbance in the HP area proposed in the concept plan is 9.5 acres. The SP area aligns with the FEMA 500-year flood plan. The proposed land disturbance encroaches into the 500-year flood plain only a small amount for the detached residential lots on the north side of Road 'A' (lots 111-155). According to the Knox County Stormwater Ordinance, this is permissible as long as the ground elevation is not raised beyond the "no fill line", which is half the distance between the FEMA floodway and the 100-year floodplain. Exhibit C shows the "no fill line" with a red line.
- b) Ensure that the context of new development, including scale and compatibility, does not impact existing

neighborhoods and communities (Policy 9.3) – The development will consist of detached and attached houses, which is the same as other residentially zoned properties.

c) Encourage a mixture of housing sizes and prices within planned residential developments (Policy 9.8) – This development included a mix of attached and detached houses. This proposal diversifies the housing mix in the area and should provide different price points.

3) NORTH CITY SECTOR PLAN

a) The property is classified LDR (Low Density Residential), SP (Stream Protection), and HP (Hillside Protection).

b) The LDR land use allows consideration of up to 5 du/ac. The proposed density is 2.31 du/ac.

c) There are approximately 40.5 acres in the HP (Hillside Protection). The slope analysis recommends a maximum of 12.6 acres of disturbance in the HP area. The land disturbance in the HP area proposed in the concept plan is 9.5 acres.

d) The SP (Stream Protection) area aligns with the FEMA 500-year floodplain. The proposed land disturbance encroaches into the 500-year flood plain only a small amount for the detached residential lots on the north side of Road 'A' (lots 111-155). According to the Knox County Stormwater Ordinance, this is permissible as long as the ground elevation is not raised beyond the "no fill line", which is half the distance between the FEMA floodway and the 100-year floodplain. Exhibit C shows the "no fill line" with a red line.

4) KNOXVILLE – FARRAGUT – KNOX COUNTY GROWTH POLICY PLAN

a) The property is within the Urban Growth Boundary. The purpose of the Planned Growth Boundary designation is to encourage a reasonably compact pattern of development, promote the expansion of the Knoxville-Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to the provision of adequate roads, utilities, schools, drainage and other public facilities and services.

ESTIMATED TRAFFIC IMPACT: A traffic impact study was prepared by the applicant. The findings of that study were used in formulating the recommendations of this staff report.

ESTIMATED STUDENT YIELD: 30 (public school children, grades K-12)

Schools affected by this proposal: Shannondale Elementary, Gresham Middle, and Central High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and 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.

The Planning Commission's approval or denial of this development plan request is final, unless the action is appealed either to the Board of Zoning Appeals or to a court of competent jurisdiction within thirty (30) days of the decision being appealed (Knox County, Tennessee Code of Ordinances, Appendix A, Zoning, 6.50.08).