



SUBDIVISION REPORT - CONCEPT/DEVELOPMENT PLAN

▶ **FILE #:** 9-SC-23-C

AGENDA ITEM #: 27

9-B-23-DP

AGENDA DATE: 9/14/2023

▶ **SUBDIVISION:** JW CONSTRUCTION ON BROWN GAP ROAD

▶ **APPLICANT/DEVELOPER:** JW CONSTRUCTION

OWNER(S): JW Construction

TAX IDENTIFICATION: 29 070

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 5711 BROWN GAP RD

▶ **LOCATION:** Southwest side of Brown Gap Rd, southeast of E Emory Rd

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

WATERSHED: Beaver Creek

▶ **APPROXIMATE ACREAGE:** 2.744 acres

▶ **ZONING:** PR (Planned Residential) up to 5 du/ac

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

▶ **PROPOSED USE:** Detached residential subdivision

SURROUNDING LAND USE AND ZONING:
North: Agriculture/forestry/vacant -- A (Agricultural)
South: Agriculture/forestry/vacant -- A (Agricultural)
East: Single family residential -- A (Agricultural)
West: Single family residential -- PR (Planned Residential) up to 5 du/ac, A (Agricultural)

▶ **NUMBER OF LOTS:** 11

SURVEYOR/ENGINEER: David Harbin Batson Himes Norvell & Poe

ACCESSIBILITY: Access is via Brown Gap Road, a minor collector street with a 20-ft pavement width within a 37-ft right-of-way.

▶ **SUBDIVISION VARIANCES REQUIRED:**

VARIANCES

1. Reduce the minimum vertical curve on Road A from K=25 to K=15 at PVI STA 1+00

ALTERNATIVE DESIGN STANDARDS REQUIRING KNOXVILLE-KNOX COUNTY PLANNING COMMISSION APPROVAL

1. None

ALTERNATIVE DESIGN STANDARDS REQUIRING KNOX COUNTY ENGINEERING AND PUBLIC WORKS APPROVAL

** See attached variance and alternative design request form

STAFF RECOMMENDATION:

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

Approve the Concept Plan subject to 4 conditions.

- 1) Connection to sanitary sewer and meeting other relevant utility provider requirements.
- 2) Provision of street name consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
- 3) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- 4) Establishing a property owners association or other legal entity responsible for maintaining common facilities before certification of the final plat for the subdivision,

- ▶ **Approve the development plan for a detached residential subdivision with up to 11 lots and reduction of the peripheral setback from 35 ft to 25 ft, subject to 1 condition.**

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

With the condition 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 for an 11-lot detached residential subdivision on 2.744 acres, which yields a density of 4 du/ac. The property was rezoned from A (Agricultural) to PR (Planned Residential) up to 5 du/ac earlier this year (7-U-23-RZ).

The applicant has requested a reduction of the peripheral setback from 35 ft to 25 ft along the subject property boundary. The Planning Commission can approve a periphery boundary reduction down to 15 ft when the subdivision adjoins certain zone districts, including residential and agricultural zones. Such a reduction is not anticipated to cause any adverse impact to adjacent properties, and is consistent with a 20-ft periphery boundary approved for the neighboring subdivision to the north in 2018 (6-SA-18-C/6-M-18-UR).

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 PR (Planned Residential) up to 5 du/ac:

- a) The PR zone allows detached dwellings 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 5 du/ac. The proposed density is 4 du/ac.

2) GENERAL PLAN - DEVELOPMENT POLICIES

- a) Policy 9.2, Encourage development practices that respect and fit the natural landscape, minimizing the loss of trees, woodlands and wildlife habitat -- The parcel is currently forested, and preservation of existing tree canopy within the 25-ft periphery boundary to the maximum extent practicable is encouraged.
- b) Policy 9.3, Ensure that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities -- The proposed detached single-family lots have a compatible layout with the PR-zoned subdivision adjacent to the north, as well as other residential neighborhoods in the general vicinity.
- c) Policy 11.2, Low-density development of 1 to 5 du/ac is permitted in planned growth areas -- The proposed subdivision is within the residential density range permitted.

3) NORTH COUNTY SECTOR PLAN

- a) The property's land use classification is LDR (Low Density Residential), which permits consideration of residential development at a density of up to 5 du/ac.

4) KNOXVILLE - FARRAGUT - KNOX COUNTY GROWTH POLICY PLAN

- a) The subject property is in the Planned Growth Area of the Growth Policy Plan, which is intended to encourage a reasonably compact pattern of development, promote expansion of the Knox County economy, and offer a range of housing choices.

ESTIMATED TRAFFIC IMPACT: 132 (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.

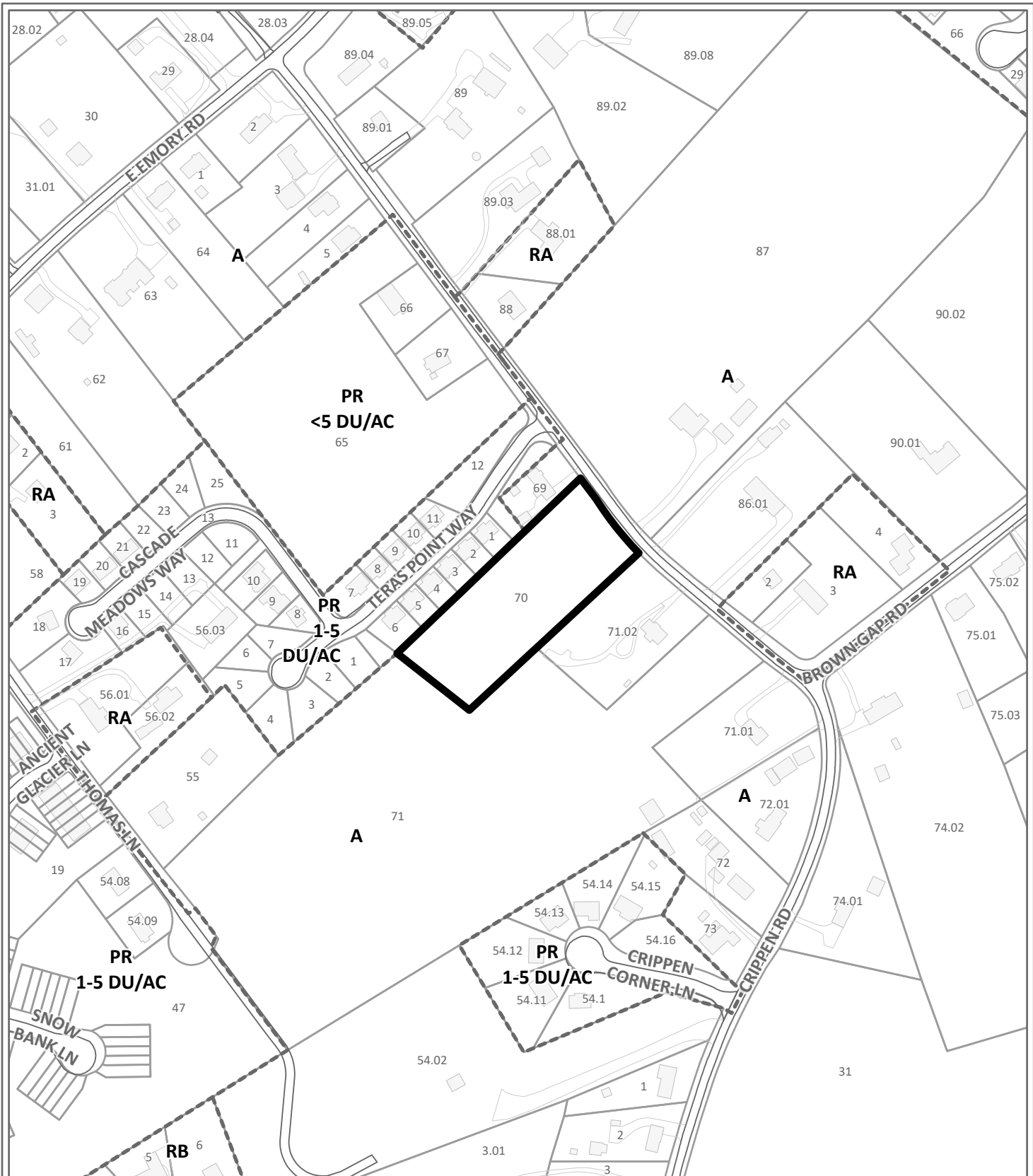
ESTIMATED STUDENT YIELD: 5 (public school children, grades K-12)

Schools affected by this proposal: Adrian Burnett Elementary, Halls Middle, and Gibbs 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).



CONCEPT PLAN / DEVELOPMENT PLAN

9-SC-23-C / 9-B-23-DP

Petitioner: JW Construction



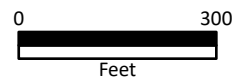
Detached residential subdivision in A (Agricultural)

Map No: 29

Jurisdiction: County

Original Print Date: 8/18/2023

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



VARIANCES/ALTERNATIVE DESIGN STANDARDS REQUESTED



1. Reduce Vertical curve length from 200' to 120' @ STA 1400 (K from 25 to 15)

Justify request by indicating hardship: topography - stop condition, will not create a traffic hazard

2. Intersection grade waiver from 10% to 3% , sta 0100 to STA 1100

Justify request by indicating hardship: topography - stop condition, will not create a traffic hazard

3. Property Radius at intersecting property lines from 25' to 0'

Justify request by indicating hardship: Do not own adjoining property, needed for dedication

4. Reduction of the 35' peripheral setback to 25'

Justify request by indicating hardship: housing will meet or exceed the type of housing in the area.

5. _____

Justify request by indicating hardship: _____

6. _____

Justify request by indicating hardship: _____

7. _____

Justify request by indicating hardship: _____

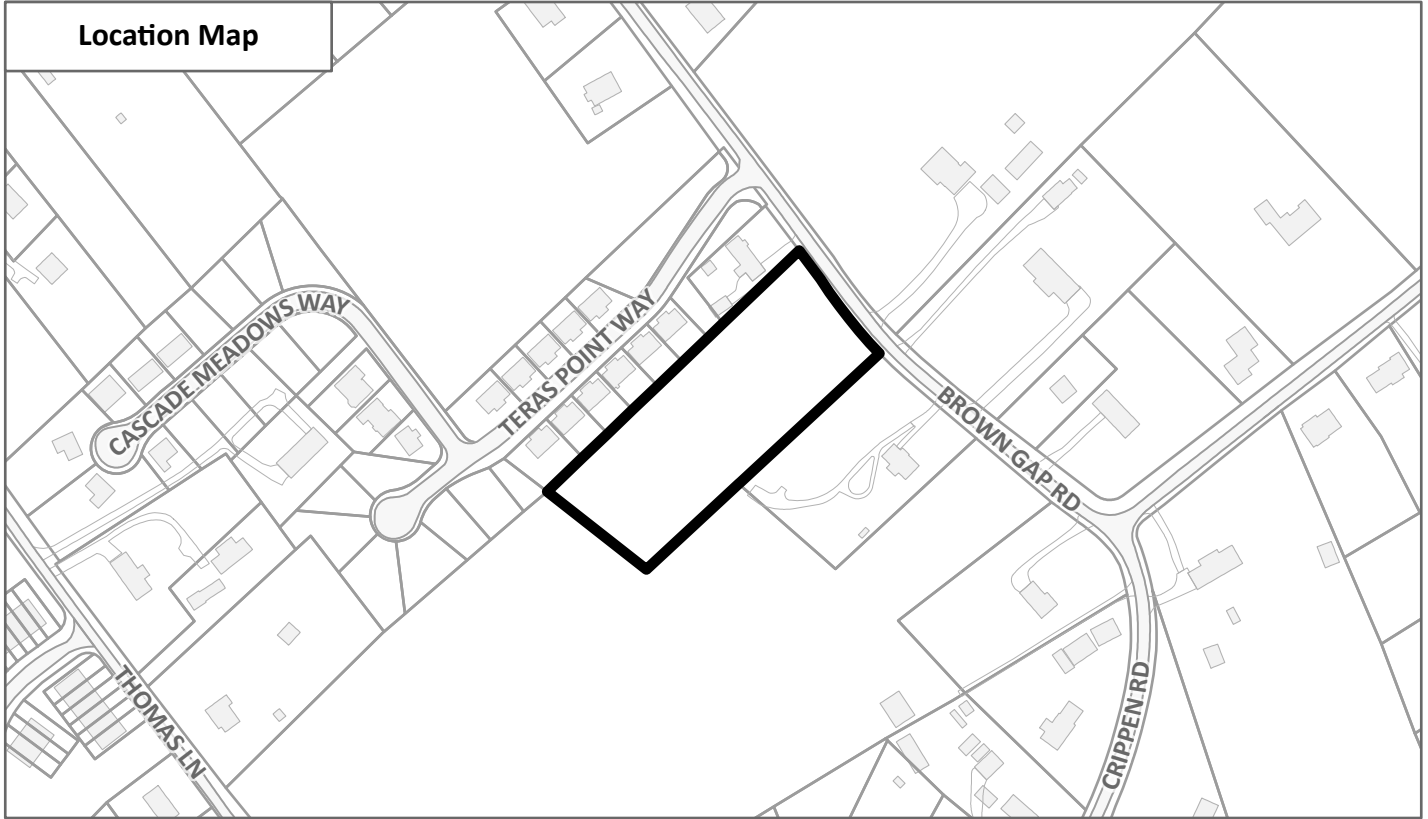
I certify that any and all requests needed to meet regulations are requested above, or are attached. I understand and agree that no additional variances can be acted upon by the legislative body upon appeal and none will be requested.

Signature _____

Date _____

Exhibit A. Contextual Images

Location Map



Aerial Map

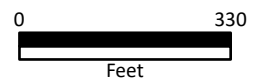


CONTEXTUAL MAPS 1

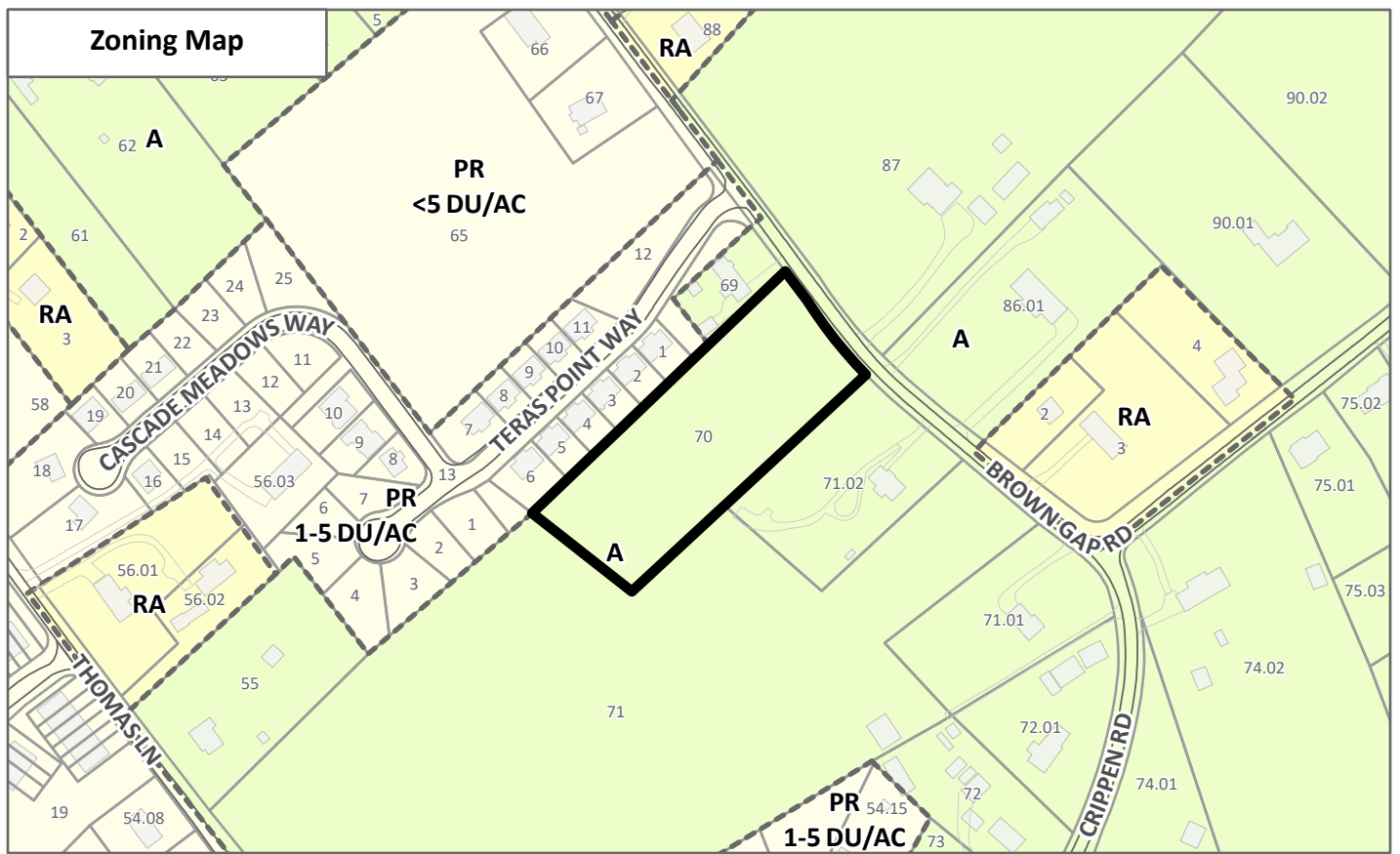
9-B-23-DP / 9-SC-23-C



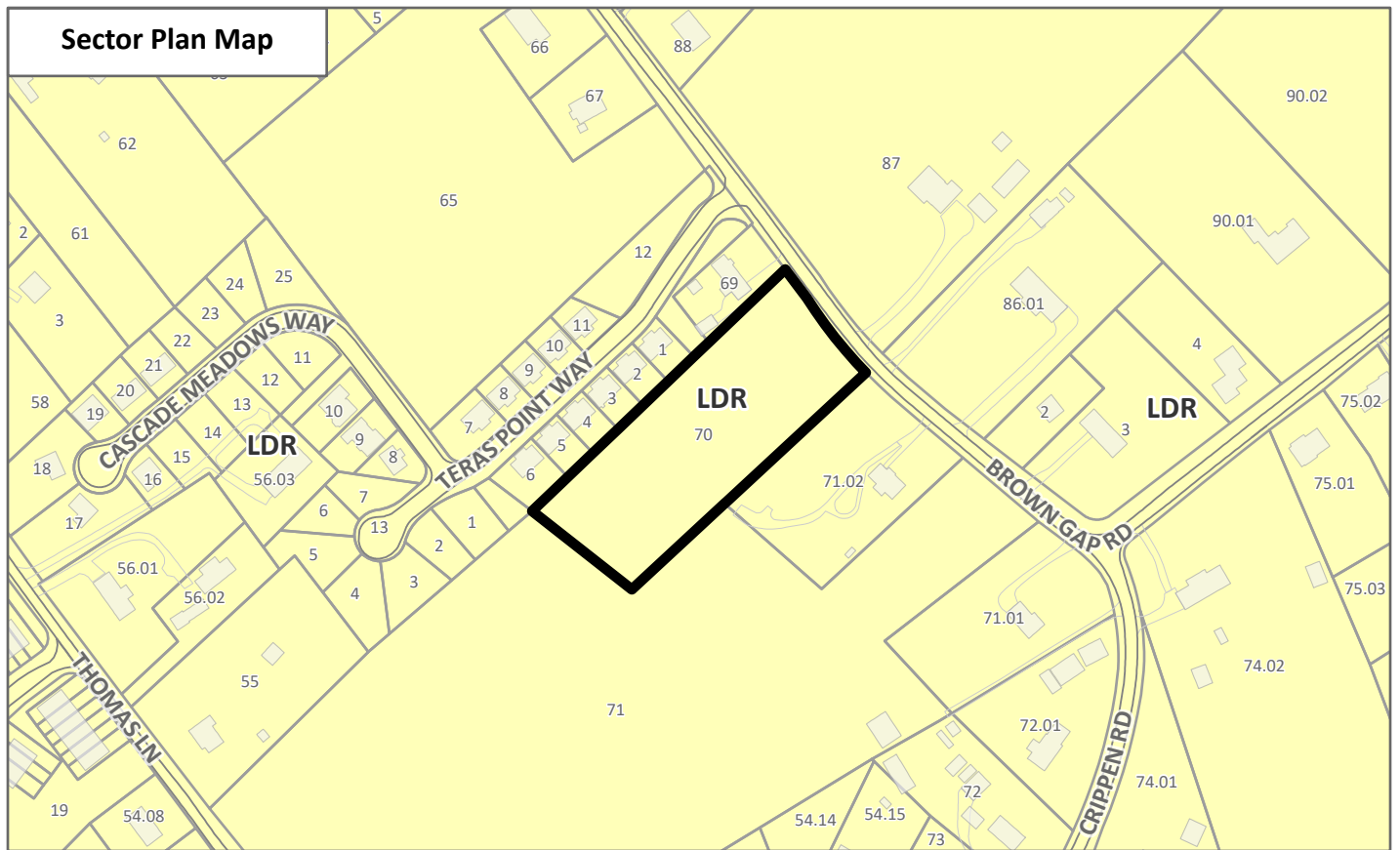
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

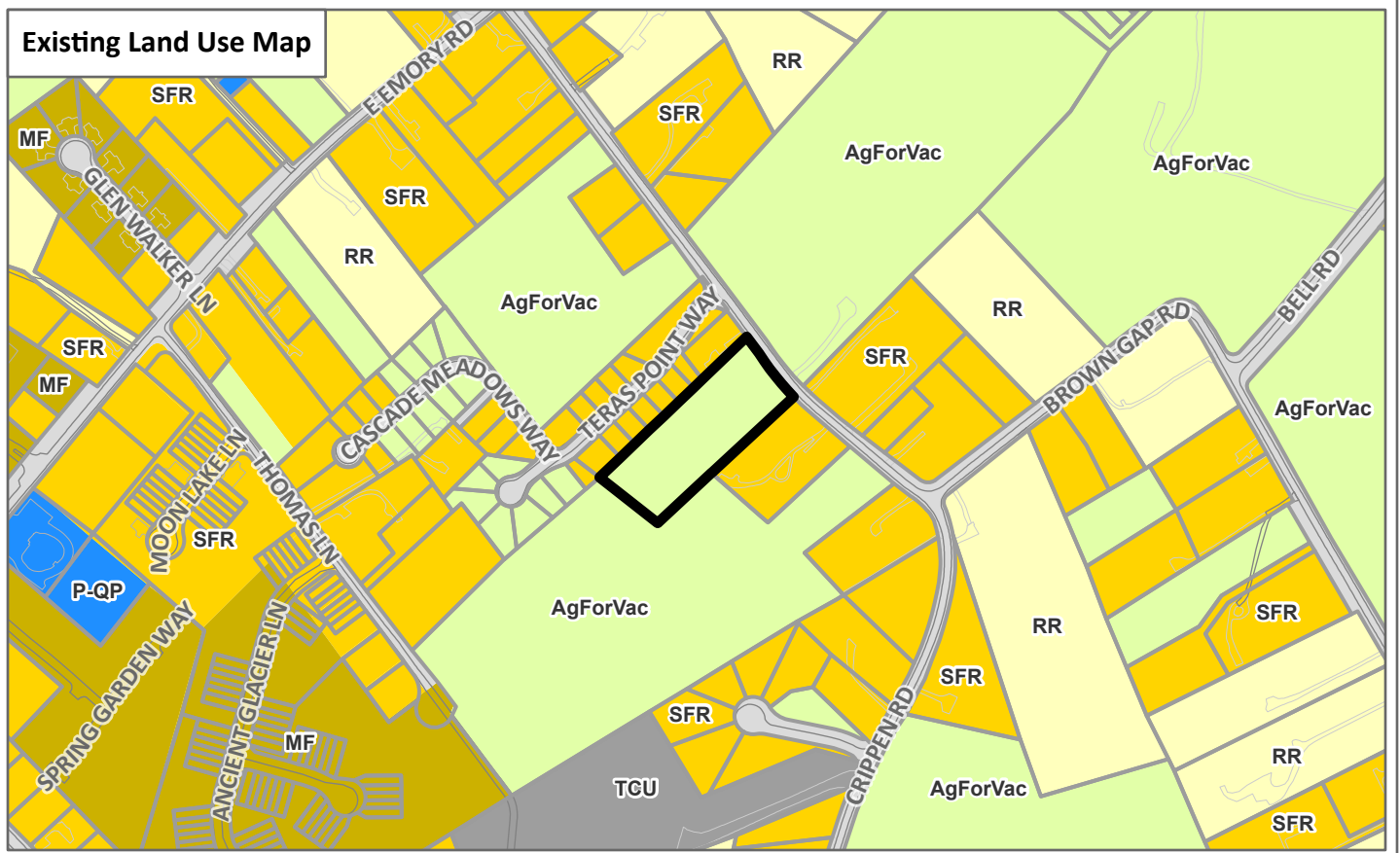
9-B-23-DP / 9-SC-23-C



Case boundary



Existing Land Use Map



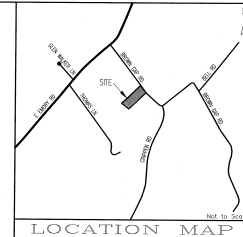
CONTEXTUAL MAPS 3

9-B-23-DP / 9-SC-23-C

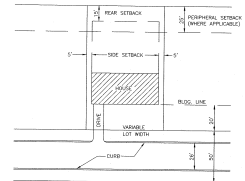


Case boundary

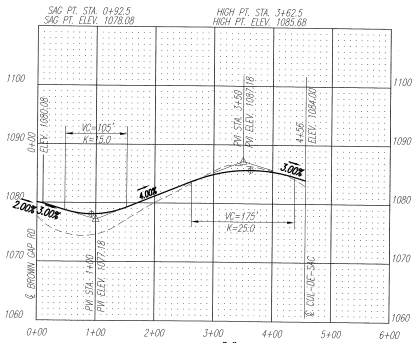
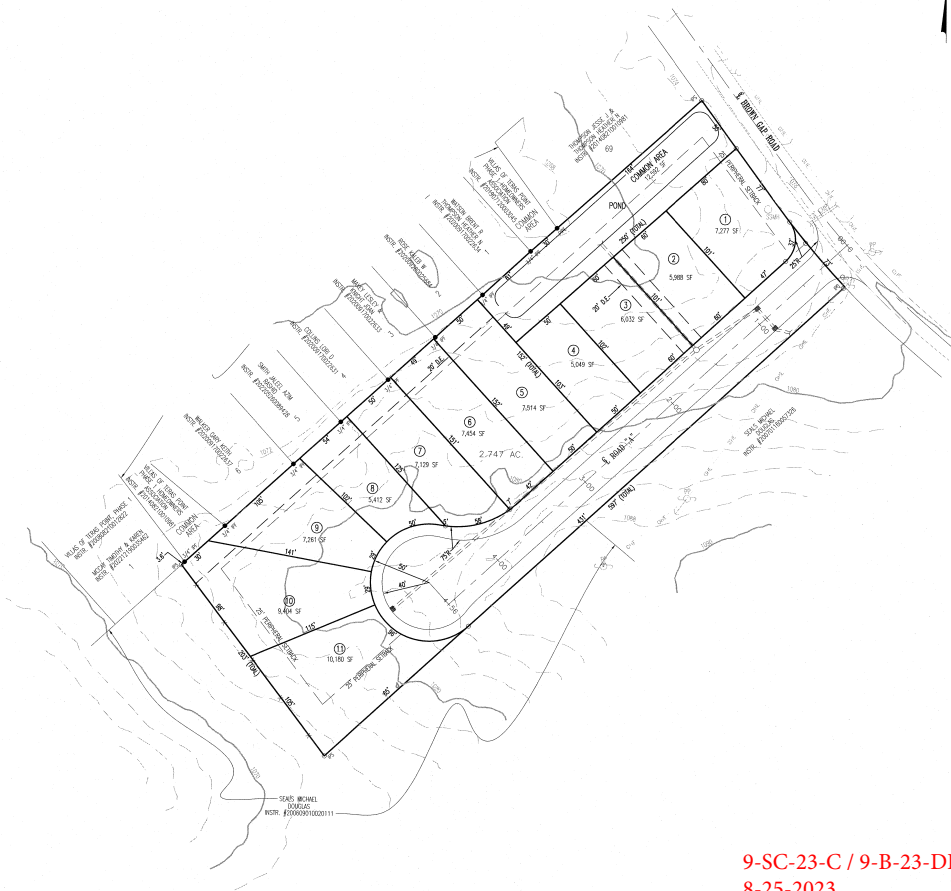




- NOTES:
1. ALL DIMENSIONS ARE SCALED AND SUBJECT TO CHANGE ON THE FINAL PLAN.
 2. A 10' DRAINAGE, UTILITY AND CONSTRUCTION EASEMENT EXISTS INSIDE ALL EXTERIOR LOT LINES AND ROAD LINES, 5' EACH SIDE OF INTERIOR ROAD LINES.
 3. A 15' UTILITY EASEMENT EXISTS 7.5' EACH SIDE OF CENTERLINE OF SANITARY SEWER AS INSTALLED.
 4. THIS PROPERTY CONTAINS APPROXIMATELY 2.744 ACRES SANDWICHED INTO 12 SINGLE FAMILY LOTS AND 1 COMMON AREA LOT.
 5. THIS PROPERTY IS ZONED R8 (RESIDING).
 6. ALL ROAD PROFILES ARE BASED ON LEASER CONTOURS.
 7. UTILITIES:
WATER: HALLSDALE-POMERLEAU
SEWER: HALLSDALE-POMERLEAU
ELECTRIC: KNOXVILLE UTILITIES BOARD
GAS: KNOXVILLE UTILITIES BOARD
TELEPHONE: TDS TELECOM
 8. GEOTECHNICAL ENGINEER SHALL CERTIFY THE SLOPE STABILITY ON ALL FILL SLOPES.
 9. BUILDING SETBACKS ARE AS FOLLOWS:
FRONT - 20'
REAR - 15'
SIDE - 5'
 10. EXISTING UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON AVAILABLE INFORMATION. CONTRACTOR IS RESPONSIBLE TO FIELD LOCATE ALL UTILITIES, BOTH HORIZONTALLY AND VERTICALLY PRIOR TO CONSTRUCTION.
 11. VARIANCE APPROVED BY KNOXVILLE PLANNING IS AS FOLLOWS:
REDUCE VERTICAL CURVE LENGTH FROM 200' TO 120' @ STA 1+00 (K VALUE FROM 25 TO 15)
 12. ALTERNATE DESIGN STANDARDS APPROVED BY KNOX COUNTY ENGINEERING ARE AS FOLLOWS:
a) INTERSECTION GRADE MAKER FROM 1% TO 3% STA 0+10 TO STA 1+00
b) PROPERTY LINE GRADES MAKER FROM 2% TO 3% @ SOUTH INTERSECTION OF BROWN GAP RD
 13. REQUEST TO REDUCE THE 30' PERMANENT SETBACK TO 25'.



TYPICAL LOT LAYOUT FOR SINGLE FAMILY DETACHED



ROAD "A"
Horizontal Scale = 1 : 100
Vertical Scale = 1 : 10



9-SC-23-C / 9-B-23-DP
8-25-2023

CERTIFICATION OF CONCEPT PLAN BY REGISTERED ENGINEER:
I HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER, LICENSED TO PROVIDE ENGINEERING UNDER THE LAWS OF THE STATE OF TENNESSEE. I HAVE REVIEWED THE PLAN AND ACCOMPANYING DRAWINGS, CALCULATIONS AND STATEMENTS CONFORM TO THE BEST OF MY KNOWLEDGE TO ALL APPLICABLE PROVISIONS OF THE KNOXVILLE-KNOX COUNTY SUBURBAN REGULATING METROPOLITAN PLANNING COMMISSION DESIGN STANDARDS.
David B. Hamber
PROFESSIONAL ENGINEER
TENNESSEE LICENSE NO. 8725723 DATE: 8/25/23

OWNER/DEVELOPER
JW CONSTRUCTION
4923 CHOPPER RD.
KNOXVILLE, TN 37918
(865) 389-0788

9-SC-23-C
9-B-23-DP

DEED REFERENCE: INSTR. #202305120060772

BATSON, HIMES, NORVELL & POE
REGISTERED ENGINEERS & LAND SURVEYORS
4334 PAPERMILL DRIVE
KNOXVILLE, TENNESSEE 37909
PHONE: (865) 588-6472
FAX: (865) 588-4473
email@hnp-p.com

DESIGNED	DBH	DATE	REVISION	APPR.	NO.	DATE	REVISION	APPR.
DRAWN	TPD							
CHECKED	DBH	8/23/23	PLANNING COMMENTS					

SCALE:
HORIZONTAL: 1" = 50'
VERTICAL: 2" INTERVAL
DATE:
7/24/23

CONCEPT PLAN & ROAD PROFILE FOR
J.W. WILLIAMS CONSTRUCTION ON
BROWN GAP ROAD
TAX MAP 29, PARCEL 70
6TH CIVIL DISTRICT, KNOX COUNTY, TENNESSEE

25507-C
SHEET 1 OF 1 SHEET(S)
0:\25507\25507-C.DWG



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

JW Construction

Applicant Name	Affiliation	
7/26/2023	9/14/2023	9-SC-23-C / 9-B-23-DP
Date Filed	Meeting Date (if applicable)	File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

David Harbin Batson Himes Norvell & Poe

Name / Company

4334 Papermill Dr Knoxville TN 37909

Address

865-588-6472 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

JW Construction	5711 Brown Gap Rd Knoxville TN 37918	865-389-0788
Owner Name (if different)	Owner Address	Owner Phone / Email

5711 BROWN GAP RD

Property Address

29 070 **2.37 acres**

Parcel ID Part of Parcel (Y/N)? Tract Size

Hallsdale-Powell Utility District	Hallsdale-Powell Utility District	
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

Southwest side of Brown Gap Rd, southeast of E Emory Rd

General Location

<input type="checkbox"/> City	Commission District 7	PR (Planned Residential)	Agriculture/Forestry/Vacant Land
<input checked="" type="checkbox"/> County	District	Zoning District	Existing Land Use

North County **LDR (Low Density Residential)** **Planned Growth Area**

Planning Sector Sector Plan Land Use Classification Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input checked="" type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

J.W. Williams Construction on Brown Gap Road	Related Rezoning File Number
Proposed Subdivision Name	
Unit / Phase Number	13 Total Number of Lots Created
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input type="checkbox"/> Zoning Change	Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment		
Proposed Plan Designation(s)		
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information _____		

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)
 Design Plan Certification (Final Plat)
 Site Plan (Development Request)
 Traffic Impact Study
 Use on Review / Special Use (Concept Plan)

Fee 1	Total
\$875.00	
Fee 2	
Fee 3	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	JW Construction Please Print	7/26/2023 Date
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Phone / Email

Property Owner Signature	JW Construction Please Print	7/26/2023 Date
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Planning

KNOXVILLE | KNOX COUNTY

Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

JW CONSTRUCTION

Applicant Name

Affiliation

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

DAVID HARBIN

Name

BATSON Himes Noevell + Poe

Company

4334 Papermill Dr

Address

KNOXVILLE

City

TN

State

37909

ZIP

865-588-6472

Phone

harbin@bhn-p.com

Email

CURRENT PROPERTY INFO

J. Williams

Construction

Property Owner Name (if different)

4923 Crippen Rd

KNOXVILLE, TN 37918

Property Owner Address

865-389-0788

Property Owner Phone

BROWN GAP RD

Property Address

Parcel ID

Hallsdale-Powell

Sewer Provider

Hallsdale-Powell

Water Provider

NO

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023

DEVELOPMENT REQUEST

Development Plan Use on Review / Special Use Hillside Protection COA
 Residential Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

Combine Parcels Divide Parcel 12 LOTS
 Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST

Zoning Change

Proposed Zoning _____

Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

Other (specify) _____

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

Design Plan Certification (*Final Plat*)

Use on Review / Special Use (*Concept Plan*)

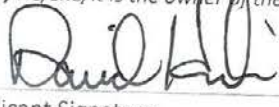
Traffic Impact Study

COA Checklist (*Hillside Protection*)

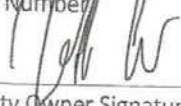
	Total
Fee 1	
Fee 2	
Fee 3	

AUTHORIZATION

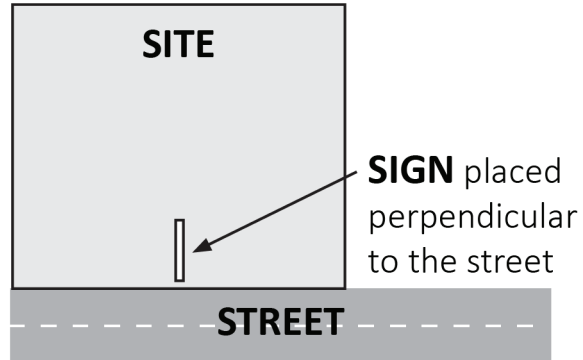
I declare under penalty of perjury the foregoing is true and correct:
 1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent


 Applicant Signature DAVID HARBIN 7.24.23
 Please Print Date

805-588-1472
 Phone Number harbin@bhn-p.com
 Email


 Property Owner Signature Jeff Williams
 Please Print Date Paid

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ September 1, 2023 _____ and _____ September 15, 2023 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: JW Construction

Date: 7/26/2023

File Number: 9-SC-23-C / 9-B-23-DP



Sign posted by Staff



Sign posted by Applicant