

CASE SUMMARY

APPLICATION TYPE: SUBDIVISION

CONCEPT PLAN

File Number: 1-SK-05-C **Related File Number:**
Application Filed: 12/13/2004 **Date of Revision:**
Applicant: JOHN A. KING, ATTY.
Owner: PROSPERITY PARK

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N
T E N N E S S E E

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PROPERTY INFORMATION

General Location: East side of Bagwell Rd., north of Clowers Dr.
Other Parcel Info.:
Tax ID Number: 61 K B 001-005 **Jurisdiction:** County
Size of Tract: 65.38 acres
Accessibility: Access is via Bagwell Ln., a local street with a pavement width of 13' to 15' within an unknown right-of-way width.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use: Property in the area is zoned A agricultural and RA residential. Development consists of single family dwellings in both a subdivision and rural setting. Sunnyview Primary School is located on Bagwell Ln. southeast of this site.
Proposed Use: Detached single family subdivision **Density:**
Sector Plan: East County **Sector Plan Designation:**
Growth Policy Plan: Urban Growth Area
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RA (Low Density Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name: Prosperity Park (FKA Prosperity Point)
Surveyor: Hodge Engineering
No. of Lots Proposed: 74 **No. of Lots Approved:** 0
Variances Requested: None
S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Dan Kelly
Staff Recomm. (Abbr.): APPROVE the concept plan subject to 11 conditions
Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.
2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knox County (ORD. 91-1-102).
3. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation if required.
4. Widening of Bagwell Ln. to a minimum width of 20' from the entrance to this subdivision to a point where the existing pavement is already 20' wide or greater (approximately .25 mile to northern driveway of Sunnyview Primary School.). This work is to be completed prior to the issuance of the first Certificate of Occupancy within this development.
5. (Revised) Providing a 4' wide sidewalk on one side of all streets within the development as shown on the concept plan. All sidewalk construction must comply with the requirements of the Americans With Disabilities Act.
6. Per the recommendation of the traffic impact study, reconfigure the intersection of Bagwell Ln. and the proposed subdivision entrance road to create a through traffic movement. Place a stop sign on Bagwell Ln. as shown in the traffic impact study. The final design of this intersection must be reviewed and approved by the Knox County Dept. of Engineering and Public Works
7. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works.
8. Meeting all applicable requirements of the Knox County Zoning Ordinance.
9. A final plat application based on this concept plan will not be accepted for review by MPC until a certification of design plan has been submitted to the MPC Staff.
10. Development of this site beyond the 74 lots shown on the plan will require approval of another concept subdivision plan.
11. Prior to final plat approval establish a homeowners association for the purpose of assessing and collecting fees for the maintenance of the commonly held assets such as the pool and landscaped areas shown on the concept plan and for the payment of the property taxes on these commonly held assets.

Comments: This matter was on MPC's January 13, 2005 agenda. It reappears on your agenda this month for two reasons. First, after approval by MPC last month, the applicant determined that he could not meet all of the conditions that were placed on the approval of the concept plan. Secondly, the site did not get posted with a sign stating that the proposed subdivision of this property was going to be considered in a public hearing.

With regards to the first issue, the subdivision was approved with a condition that required the paved width Bagwell Road be increased to 20' from the entrance to the development to a point where the road widens out in the vicinity of Sunnyview Primary School (approximately .25 mile). Additionally, the staff conditioned the approval of the project on the developer installing a four foot wide sidewalk from the entrance to the development to the school property. Prior to placing these conditions on the project, staff asked the applicant's engineer, on more than one occasion, if there was sufficient public right-of-way to accomplish these tasks. Staff was informed that the right-of-way was adequate to accommodate these improvements. Since that time, there has been further research and survey work done to determine the actual public right-of- way width. It has been determined that the existing right-of-way is not sufficiently wide enough to accommodate the improvements, without encroaching onto private property. The applicant is now seeking relief from those conditions. After reviewing various alternatives, he is proposing to widen Bagwell Rd., as previously required, to a width of 20 feet and

eliminate the construction of the sidewalk. The staff of the MPC and the Knox County Dept. of Engineering and Public Works will support this alternative.

Staff typically requires road improvements when the existing street providing access to a project is less than eighteen feet wide. It is also typical that sidewalks within a development be required when the site is within the "parent responsibility zone" for the provision of transportation to a nearby school. It is not typical for staff to require off-site sidewalk construction. In this particular case the applicant was agreeable to construct the off-site road and sidewalk improvements which were made a part of the staff recommendation. As a primary school, Sunnyview only has kindergarten through second grade. Based on the ages of these children, staff does not anticipate that a large number of children will be walking to school.

Regarding the second issue, property that is subject to a concept subdivision is posted with a sign noting that the property is proposed to be subdivided and the date and time of the public hearing regarding the matter. In this particular case, staff was not aware the site was not posted until we received correspondence from an area resident questioning if it occurred. After investigating the situation, staff cannot state with any reliability that the site was posted. In order to remove any cloud that may be on the previous action of the MPC regarding this project and to address the issues raised by the applicant, this item is placed on your agenda for appropriate action. Since last month, there have been no changes to the subdivision plan. The concept plan meets all of the requirements of the Subdivision Regulations and Zoning Ordinance.

This applicant is proposing a subdivision that will contain 74 lots on this 65.38 acre site. Phase one of the project will consist of 72 lots on approximately 31 acres of the site. Lots 73 and 74 may be further subdivided in the future. The applicant has stated that up to 60 additional lots may result from the development of lots 73 and 74. The entire development will consist of detached single family dwellings. The project has been designed to meet all of the requirements of the Knox County Zoning Ordinance and the Knoxville/Knox County Minimum Subdivision Regulations.

A traffic impact study was prepared for this project. The study recommends that Bagwell Ln. be improved as part of this project. Staff will require Bagwell Ln. be widened to a minimum width of 20' from the entrance to the subdivision southward to the point where it is already 20' wide. This widening will require the improvement of approximately .25 mile of Bagwell Ln. The traffic impact study also recommends that the intersection of Bagwell Ln. and the entrance to the development be aligned in such a manner as to make it a through traffic movement. A stop sign would be installed for south bound traffic on Bagwell Ln. north of this site. The traffic impact study states that the proposed development will have a minimal impact on the existing level of service on Bagwell Ln. at its intersection with Ruggles Ferry Pk.

The preliminary drainage plan submitted with this plan provides sufficient detail for the consideration of the Concept Plan. At the Concept Plan level, the applicant provides the locations of the proposed detention basins and a general plan as to how the stormwater will be directed to the detention facilities. The detailed drainage plan comes under the purview of the Knox County Dept. of Engineering and Public Works. The detailed grading and drainage plan will be submitted to County Engineer as part of the Design Plan process which is the next step in the subdivision review process if this concept plan is approved.

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. KUB can provide water, sewer, electrical and natural gas service to the site.
2. Any school age children living in this development are presently zoned to attend Sunnyview Primary, Chilhowee Intermediate, Carter Middle, and Carter High Schools.
3. The proposed detached single-family subdivision is consistent in use and density with the zoning and subdivision development in the area. The predominant use in the area is detached single family dwellings.
4. Drainage will be directed into the existing drainageways on this site. Stormwater detention, grading and drainage plans will be required that meet Knox County's regulations.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed detached single-family subdivision meets the standards for development within the RA (Low Density Residential) Zone and all other requirements of the Zoning Ordinance.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The East County Sector Plan identifies this property for low density residential use with a maximum density of 5 du/ac. The RA zoning approved for this site allows a density of approximately four dwellings per acre. The proposed development density of 2.33 dwellings per acre for phase one and 2.06 dwellings per acre for the total development is within the development density permitted by the Sector Plan and current zoning of the site.

MPC Action: Approved **MPC Meeting Date:** 2/10/2005

Details of MPC action:

Summary of MPC action: APPROVE the concept plan subject to 11 conditions

Date of MPC Approval: 2/10/2005 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Chancery Court

Date of Legislative Action: 3/17/2005 **Date of Legislative Action, Second Reading:**

Ordinance Number: 163550-1 **Other Ordinance Number References:**

Disposition of Case: Litigation Filed by East Knox County Community Action Committee **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**