

# CASE SUMMARY

**APPLICATION TYPE: SUBDIVISION**

**CONCEPT PLAN**

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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**File Number:** 5-SE-16-C                      **Related File Number:**  
**Application Filed:** 3/28/2016              **Date of Revision:**  
**Applicant:** AKP PROPERTIES, LLC

## PROPERTY INFORMATION

**General Location:** East side of Broome Rd., south of Chadwick Dr.  
**Other Parcel Info.:**  
**Tax ID Number:** 120 A A 002                      **Jurisdiction:** City  
**Size of Tract:** 11.67 acres  
**Accessibility:** Access is via Broome Rd., a major collector street with a 18' pavement width within a 40' - 50' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence and vacant land  
**Surrounding Land Use:** North: Residences / R-1E (Low Density Exclusive Residential)  
South: Mars Hill Cemetery and residences / R-1E (Low Density Exclusive Residential)  
East: Residences / R-1E (Low Density Exclusive Residential)  
West: Residences / RP-1 (Planned Residential) & R-2 (General Residential)  
**Proposed Use:** Detached Residential Subdivision                      **Density:** 2.66 du/ac  
**Sector Plan:** Northwest City                      **Sector Plan Designation:**  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:**

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

**Street:** 430 Broome Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** R-1E (Low Density Exclusive 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: Bentley Fields (FKA: Bentley Estates)  
No. of Lots Proposed: 31                      No. of Lots Approved: 31  
Variances Requested: None  
S/D Name Change:

### **OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

### **MPC ACTION AND DISPOSITION**

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the concept plan subject to 11 conditions.

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knox County (City Ord. 0-280-90).
3. Installation of sidewalks on at least one side of both Roads A & B. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knoxville Department of Engineering. A bond shall be provided to the Knoxville Department of Engineering by the developer in an amount sufficient to guarantee the installation of the sidewalks.
4. The closed contour/sinkhole 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 Knoxville Department of Engineering. The geotechnical study must be completed and submitted to the Knoxville Department of Engineering prior to submission of the final plat for any lots that do not have a building area outside of the 50' setback area. Building construction is not permitted within the hatched contour area of the sinkhole or required drainage easement. Engineered footings may be required for any structures within the 50' sinkhole buffer.
5. Based on the recommendations from the report submitted by Cultural Resource Analysts, Inc. and dated October 31, 2016 (copy enclosed in MPC package), Staff recommends the following: a) A 25' buffer be established along the north and east side of the cemetery fence line for Mars Hill Cemetery. The portion of the buffer that is outside of the cemetery parcel shall be included in a common area parcel for this subdivision. The common area would also include at a minimum, a 25' wide access strip/easement for the cemetery out to the public right-of-way of Road A. A paved driveway to the cemetery parcel shall be installed meeting the requirements of the Knoxville Department of Engineering. b) Following design plan approval and prior to the submission of the final plat to the Planning Commission for review, conducting a preliminary site grading/stripping of the property under the supervision of an archaeologist to assure that any unmarked graves on the site are left undisturbed. The preliminary site grading/stripping investigation area shall include the proposed right-of-way for Road A and all of proposed Lots 2 and 3 (See attached Concept Plan Exhibit A). The timing and details of the preliminary site grading/stripping is subject to the approval of the Knoxville Department of Engineering and MPC staff. c) Submitting a follow-up report on the results of the preliminary site grading/stripping from the archaeologists to MPC staff for review and approval prior to any further site alteration. If any grave sites are discovered, MPC staff will determine if any expansion of the preliminary grading/stripping area is needed, what modifications to the concept plan will be required, and if the concept plan will have to be resubmitted to the Planning Commission for approval.
6. The design of the deceleration lane is subject to the review and approval by the Knoxville Department of Engineering during the design plan stage of the subdivision.
7. Working with the Knoxville Department of Engineering at the design plan stage of the subdivision on the possible addition of street lighting along Broome Rd. at the proposed subdivision entrance.
8. Meeting all applicable requirements of the Knoxville Department of Engineering.
9. Placing a note on the final plat that all lots will have access only to the internal street system except for the lot created for the existing home site that currently has direct access to Broome Rd.
10. 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 including the common area, access to the cemetery and the stormwater system.
11. A final plat application based on this concept plan will not be accepted for review by the MPC until certification of design plan approval has been submitted to the MPC staff.

With the conditions noted, this plan meets the requirements for approval of a concept plan in the R-1E (Low Density Exclusive Residential) District.

**Comments:**

The applicant is proposing to subdivide this 11.67 acre tract into 31 detached residential lots and common area at a density of 2.66 du/ac. This property which is zoned R-1E (Low Density Exclusive Residential) is located on the east side of Broome Rd. just south of Chadwick Dr. The R-1E zoning district has a minimum lot size requirement of 7,500 square feet with no minimum lot width requirement. The proposed lots range in size from 8,340 to 17,786 square feet. Thirteen of the proposed lots will be over 10,000 square feet in size.

The proposed subdivision will be served by a public street with access out to Broome Rd. The applicant is proposing a deceleration lane on Broome Rd. at the proposed entrance. The design of the deceleration lane is subject to review and approval by the Knoxville Department of Engineering. To help improve visibility at the proposed subdivision entrance at night, staff is recommending that the applicant work with the Knoxville Department of Engineering on the possible approval of street lighting along Broome Rd. at the proposed subdivision entrance. The project engineer has certified on the concept plan that 300' of sight distance is available in both directions along Broome Rd. at the proposed subdivision entrance. The site is located within the parental responsibility zone. Staff is recommending a condition that sidewalks be included on at least one side of both Roads A and B.

A closed contour/sinkhole exists at the northwest corner of the site adjacent to Broome Rd. Building construction within the designated 50' setback around the sinkhole 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 Knoxville Department of Engineering. The geotechnical study must be completed and submitted to the Knoxville Department of Engineering prior to submission of the final plat for any lots that do not have a building area outside of the 50' setback area.

The proposed subdivision adjoins an existing cemetery (Mars Hill Cemetery) and historic site that is located at the southwest corner of the site. Concern has been raised about the impact this proposed subdivision will have on the cemetery and historic site and possible unmarked grave sites that may be located outside the boundary of the cemetery. The applicant had hired a consultant, Cultural Resource Analysts, Inc. (CRA), to evaluate the extent of the cemetery and a copy of their report is enclosed in the MPC package (See "Update" comments below). Based on the recommendations from the report, staff has recommended a condition that would provide a buffer around the cemetery, provide public access to the site and provide protection for any unmarked graves that may be located on the property.

**UPDATE:**

On Thursday, October 20, 2016, staff from CRA conducted a Ground-Penetrating Radar (GPR) Survey for an area of approximately 0.41 acres on the north and east side of the Mars Hill Cemetery property. The new study area is located on the north side of the previous study area. A report on their findings, dated October 31, 2016, is included in the MPC Agenda Package. There were no indications of any unmarked graves within the new study area. The recommendations from the new study are incorporated in MPC staff's recommended condition #5.

**Action:** Denied **Meeting Date:** 11/10/2016

**Details of Action:**

**Summary of Action:** Denied the concept plan.

**Date of Approval:** **Date of Denial:** 11/10/2016 **Postponements:** 5/12/2016-10/13/2016

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

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Chancery Court

**Date of Legislative Action:** **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** **Disposition of Case, Second Reading:**

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

**Amendments:** **Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**