



Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

**Subdivision Name:** Middlebrook Ridge

**Surveyor:** Michael Brady, Inc.

**No. of Lots Proposed:** 37      **No. of Lots Approved:** 37

**Variances Requested:**

1. Corner radius variance at the northwest corner of the intersection of Road A and B, from 25' to 0'.
2. Intersection grade variance for Road A at Ball Camp Pike, from 1% to 1.5%.
3. Intersection grade variance for Road B at Road A, from 1% to 2.81%.
4. Intersection grade variance for Road C at Road B, from 1% to 2.85%.

**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 variances 1 - 4 because the site's topography restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to 9 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 (County Ord. 91-1-102).
3. Conducting compaction testing in all fill areas associated with street construction and building sites per the requirements of the Knox County Department of Engineering and Public Works.
4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
5. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Environment and Conservation for alteration of the blue-line streams on the property.
6. Placing a note on the final plat that all lots will have access only to the internal street system.
7. Placing a note on the final plat and in the deed for Lots 1 - 8 stating that "Fill material of any kind is prohibited in the area of the no-fill zone on Lots 1 - 8 as designated on the final plat unless approved by the Knox County Department of Engineering and Public Works following the review of a revised floodway study meeting FEMA standards."
8. Meeting all requirements of the approved use on review development plan.
9. 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.

**Comments:** The applicant is proposing to develop this 17.03 acre tract into 37 detached single-family lots at a density of 2.17 DU/AC. This property was before the Planning Commission on April 11, 2002 for consideration of a rezoning to PR (Planned Residential) (4-P-02-RZ). The Planning Commission recommended approval of the PR zoning at a density of 1-2.5 DU/AC. County Commission approved the Planning Commission's recommendation on May 28, 2002.

In order to meet the requirements of the Knox County Drainage Ordinance, the Knox County Department of Engineering and Public Works requested that the applicant prepare a floodway study meeting FEMA standards for this site and Meadow Creek. The study which was prepared by Amec Earth and Environmental, Inc. identified the existing floodway, floodplain and no-fill boundaries across the site. The no-fill boundary made that portion of the property that runs along the creek unbuildable. At the Planning Commission's April 11, 2002 meeting, residents from the area had stated that the lower portion of this site (area of the entrance road and proposed Lots 1 - 8) has been under water during heavy rains. In order to obtain buildable lot areas, the flood study was revised (as permitted by the Ordinance) to justify the placement of fill closer to the creek. In response to the floodway study proposals and the revised Concept Plan, the Knox County Department of Engineering and Public Works submitted a letter to the Planning Commission Staff (copy attached) stating that they recommend denial of the Concept Plan. This recommendation is based on the potential for the eroding of the steep fill slopes (3:1 to in excess of 2:1) and foundation subsidence that may occur due to the close proximity of building foundations to those banks.

The applicant has an option on site design that could address the Knox County Department of Engineering and Public Works' concerns on the proposed alteration of the floodplain. The applicant has recently purchased the adjoining property to the west. By incorporating this property into the project, the entrance road could be shifted to the west, allowing for building sites on the creek side without having to create the steep banks in the fill area. That adjoining property which is zoned I (Industrial), would need to be rezoned to PR (Planned Residential).

Due to the steep grades located on the northern portion of the site, Staff requested that the applicant provide a grading plan for Lots 15 - 18 and 20 - 30 and the adjoining roads to show that all lots are accessible and have an adequate building site. The applicant has provided the grading plan.

**UPDATE FROM 10/03/02 STAFF REPORT:**

On October 4, 2002, the applicant and his engineer met with the Knox County Department of Engineering and Public Works Staff to go over the reasons for the recommendation of denial of the Concept Plan by the County. A revised study was submitted on October 7, 2002 that has addressed the County's concerns. A letter from the Knox County Engineering Staff has been submitted to MPC Staff withdrawing their objection to the Concept Plan (copy attached).

Since the floodway study recommends an alteration of the floodplain on the site, and the establishment of a new no-fill zone for Lots 1 - 8, it is important that potential buyers of those lots are made aware of the no-fill restriction. Staff is recommending a condition that a notation be placed on the final plat and the deed for each of those lots stating that "Fill material of any kind is prohibited in the area of the no-fill zone on Lots 1 - 8 as designated on the final plat unless approved by the Knox County Department of Engineering and Public Works following the review of a revised floodway study meeting FEMA standards."

The applicant has revised the Concept Plan and has eliminated two of the six variances originally requested for the proposed development. Two of the corner radius variances are no longer needed since the applicant owns the adjoining property and will provide the right-of-way radius through the recording of the final plat.

**MPC Action:** Approved **MPC Meeting Date:** 10/10/2002

- Details of MPC action:**
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  3. Conducting compaction testing in all fill areas associated with street construction and building sites per the requirements of the Knox County Department of Engineering and Public Works.
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  8. Meeting all requirements of the approved use on review development plan.
  9. 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.

**Summary of MPC action:** APPROVE variances 1 - 4 because the site's topography restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to 9 conditions:

**Date of MPC Approval:** 10/10/2002 **Date of Denial:** **Postponements:** 6/13/02-9/12/02

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

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

**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":**

**Amendments:**

**Date of Legislative Appeal:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**