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Volume 1 of 2 for official record
turned in at Feb 9, 2023
Planning Meeting - File 12-SC-22-C
12-C-22-DP

Cover letter regarding 12-SC-22-C & 12-C-22-DP

Planning Commission has the power to deny this development plan, and we respectfully ask you to do so.

This booklet provides documentation confirming less density is mandatory on this property. We are including an engineering study completed in March 2000 AND one in January 2023 with other items.

Two engineering studies are included proving flooding will be exacerbated by this dense development- "larger changes occur for the smaller but more frequent storms."

The property has steep slopes, a floodway, and to the right leaving his entrance- a one-lane bridge adjacent to a railroad crossing with no arms, and to the left leaving his entrance-- a blind curve.

This property, located in Knox County, is comprised of 2 zoning districts- 61 acres of Planned Residential and 20 acres of Floodway Zoning District. The developer must use only the 61 acres zoned Planned Residential to calculate density. He cannot legally use the 20 acres zoned Floodway Zone District to calculate density. (See Zoning ordinance of Knox County 5.70- Floodway Zone- identifying Floodway as a BASE ZONING DISTRICT)

The proposal has a long problematic history. When the developer originally applied for rezoning in March 2018, **the Planning Commission staff recommended a density of "up to 1 du/ac," or "61 units, clustering the units".** (<https://knoxplanning.org/cases/3-D-18-RZ>)

March 2018 Planning Commission report on this site, p.3 says, "....proposed for this site, which has a calculated area of 61.54 acres outside of the floodway that may be counted toward density calculations." "The recommended PR Zoning at a density of 1 dwelling unit per acre would allow for a maximum of 61 dwelling units to be proposed for this site. "

Nothing has changed to rescind that recommendation, and we are all in complete agreement with this original MPC staff recommendation- March 2018.

Unfortunately, by dragging the matter out using a number of postponements and rezoning withdrawals, the developer was eventually able to get Knox County Commission to approve a density of "up to 2.51 du/ac."

Fact: This proposed development is in KNOX COUNTY

Fact: (F) Floodway is a BASE ZONE DISTRICT in the County

Fact: This property has 2 zoning districts- PR and Floodway

Fact: Floodway District is "unbuildable land"

Fact: "Buildable acreage" credit is being given for unbuildable land

Fact: Because the Floodway acreage is included in calculating density, the density is not calculated accurately or legally-so the plan must be denied!

In other Knox Planning files, Floodway property was not donated either, yet their Floodway Zoned acreage was excluded from their PR density calculation. (see rezoning reports at end of this booklet)

3-D-18-RZ- "....proposed for this site, which has a calculated area of 61.54 acres outside of the floodway that may be counted toward density calculations." "The recommended PR Zoning at a density of 1 dwelling unit per acre would allow for a maximum of 61 dwelling units to be proposed for this site."

7-I-20-RZ- "8.22 acres of the site remains in the Floodway Zine and cannot be counted toward the density calculation for the residential development of the Planned Residential portion"

2-A-21-RZ-“Of the 19 acres of the site, 8 acres are located in Floodway Zone. The Planned Residential Zone would be limited to the remaining 11 acres.” “At 3 du/ac the maximum number of dwelling units within the area zoned PR is 34.”

Will these developers now be allowed to contest the exclusion of Floodway Zoned acres from their density calculation?

Why was a case in Dec 2021 required to get a rezoning of Floodway to count that acreage for OB zone? 12-I-22-RZ- “The limited rezoning of the F (Floodway) zone...”

The developer’s own traffic study, p. 31 admits the “level of service without the project at intersection of Tazewell Pike and Beverly Road is “F”, a failed intersection. Yet, this plan adds 1930 trips a day!

The developer seeks approval of “reducing the minimum street frontage widths from 25’ to 22’ on 55 units- 28% of the development- proving he cannot even meet the minimum requirements.

Additionally, staff report says, “The number of dwelling units exceeds the long-standing unwritten design policy requiring a second entrance or a boulevard entrance road when a subdivision has more than 150 lots.” Yet the staff then concludes they will not even require a boulevard entrance in this case.

Beverly Road is very flood-prone especially at his entrance, and we have grave concerns that people will be trapped in that development in emergency situations.

Please also visit our website www.beverlyrezoning.com for much more information and videos of flooding even on a 1.3-inch rain event.

Thank you for taking time to review these documents presented by over 700 families from:

Tazewell Pike-Beverly Station Neighborhood Coalition
Fountain City Town Hall, Inc.
Alice Bell-Springhill Neighborhood Association
Fairmont/Emoriland Neighborhood Association
Oakwood/Lincoln Park Neighborhood Association
And families in vicinity of Beverly Road and Tazewell Pike

For official Record 12-C-22-DP

"STUB ROAD" EXPLANATION

file 12-C-22-DP- The Preserve at White's Creek

Feb 8, 2023

My family and I have owned 179 acres for over 150 years, and this property adjoins the proposed development near his "stub road".

I understand Planning Commissioners had questions regarding the "stub road" on the development plan. That it might offer a way out from the development, or the possibility of the stub road being extended if he acquired more land. That is not feasible. This land will stay in our family- we have no intentions of selling it.

Also, the flooding is just as bad on the McCampbell Road side as it is on the Beverly Road side.

The soil coming down that ridge to McCampbell stays marshy and I cannot even graze cattle there much of the year, because several months a year we can't even access part of our own property going up from McCampbell Drive.

Due to the topography and marshiness, you cannot even drive a 4-wheel drive vehicle out of there to McCampbell several months of the year.

If there was an emergency, and his proposed entrance, a 26-foot wide road, is blocked – the only way off that ridge would be by airlifting or walking out.

Additionally, even if the developer owned our land and the parcel next to it, the stub road could never be extended to McCampbell Drive.

Why? Because the railroad track is between his proposed stub road and McCampbell Drive. To get off that ridge, you must cross the track before accessing McCampbell Drive or Anderson Road.

Before he purchased the property, the developer approached the railroad to solve the problem of a second entrance. **The railroad told him NO, they would not allow a road to be built crossing their tracks.**

Please deny this development plan.

Charles McMillan

James McMillan

Mike McMillan

Knox County Zoning Ordinance

6.50.06. Approval or denial. The planning commission may approve a development plan or use permitted on review where it can be shown that the proposed plan or use is in harmony with the general purpose and intent of the zoning ordinance and with the general plan and sector plan and is reasonably necessary for the convenience and welfare of the community.

The planning commission may deny a development plan or use permitted on review where the above cannot be shown or where it can be shown that approval would have an adverse impact on the character of the neighborhood in which the site is located.

Whereas a use may be appropriate in one location and inappropriate in another location in the same zoning district, the planning commission shall be guided by the policies of the general plan, the sector plans and the general and specific standards contained in [article 4](#), "Supplementary regulations," of this ordinance in the exercise of its administrative judgment about the location and appropriateness of uses permitted on review.

The rationale for planning commission approval, conditions or denial shall be included in the minutes of the planning commission meeting where decisions are made.

*****Please note the next included pages of the Sector Plan and General Plan that provide this "basis for denial" by the Planning Commission for this Development Plan.**

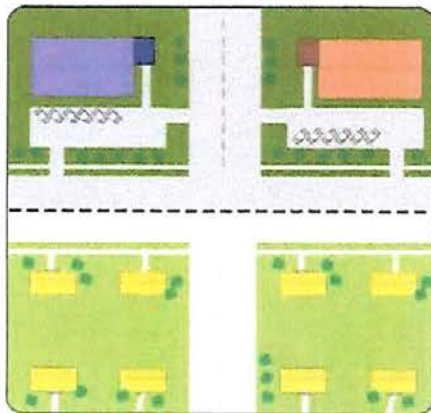
Development Policies

- 10.8 Base land development policies and regulations on an awareness of the ever changing character of the housing market.
- 10.9 Avoid creating zoning boundaries that result in unlike uses directly facing each other. (See Exhibit 6.)
- 10.10 Once transitional zoning patterns are in place, keep them intact; do not compromise buffer zones by rezoning them commercial.
- 10.11 Allow higher densities, smaller yards and narrower lots for portions of planned developments that do not abut or face conventional suburban developments. In exchange, deeper setbacks, wider lots or landscape buffers shall be provided where the new development abuts lower density housing.

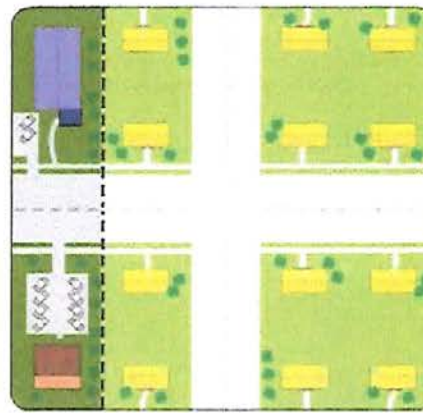
11. Additional Development Policies

- 11.1 **Environmental constraints** and the availability of utilities, drainage, and transportation are **factors in setting standards for the densities** of residential developments.
- 11.2 The **density for residential development will be based upon** the amount of **usable acreage, excluding areas** which are under water, **in floodways, have steep slopes**, or are otherwise undevelopable. Rural, planned growth and urban growth boundaries also influence density. These areas are designated in the Knoxville-Knox County-Farragut Growth Policy Plan. (See Planning Framework, page 49 for more information.) The following general standards will be applied in setting densities for residential development, providing these densities do not conflict with other policies in this plan:

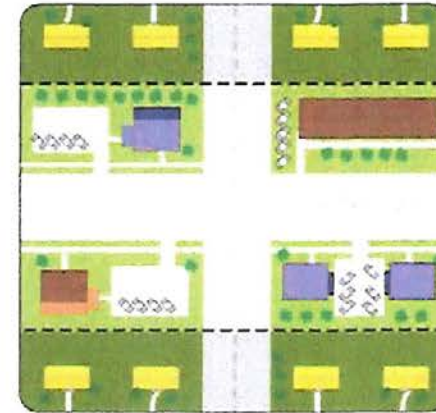
Exhibit 6: Zoning Boundaries



A bad situation: Zoning boundaries at front property lines cause unlike uses to face each other, often creating visual conflicts and affecting residential uses with intense noise and traffic.



This situation, while better than the one at left, can cause visual and noise conflicts, which can be reduced by landscaping or other buffers.



This arrangement, with zoning boundaries along rear lot lines, causes unlike uses to face away from each other, reducing intense noise, visual, and other conflicts.

Table 2: Population Characteristics North City Sector		
	1990	2000
Sex		
Male	10,707	11,889
Female	12,637	13,454
Total	23,344	25,343
Age Group		
Under 5 years	1,398	1,504
5 to 9 years	1,215	1,306
10 to 14 years	1,124	1,280
15 to 19 years	1,323	1,359
20 to 24 years	1,866	1,856
25 to 34 years	4,237	3,867
35 to 44 years	3,416	3,892
45 to 54 years	2,301	3,499
55 to 59 years	1,071	1,259
60 to 64 years	1,360	1,061
65 to 74 years	2,366	2,110
75 to 84 years	1,266	1,730
85 years and over	401	620
Median Age	Not available	38.6
Race		
White	22,652	23,746
Black	558	933
Other	134	664



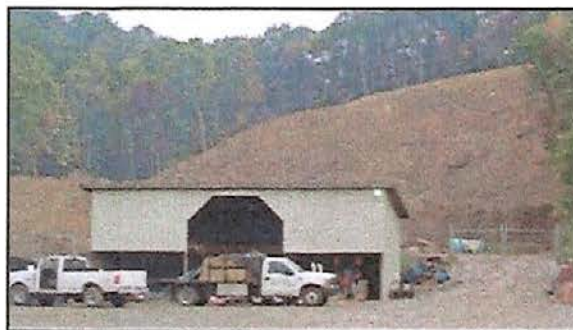
First Creek channelized near commercial development.

ENVIRONMENTAL CONSTRAINTS

Topography

Steep slopes are a development concern in the North City Sector. Steep slopes (greater than 25 percent) cover 12.8 percent of the sector and moderate slopes (16-25 percent) cover 16.8 percent of the sector.

Environmental problems such as increased runoff, soil erosion, and loss of water quality and habitat often result from grading on and deforestation of moderate to steep slopes. This sector is located in between two steep ridges. On the northern edge is the Black Oak Ridge and on the southern edge is Sharps Ridge. The rest of the area is relatively flat, consisting of rolling terrain that is under 15 percent slope.



Steep slopes have limited protection.

Hydrology

Three creeks wind their way through the sector. First Creek flows south through the heart of Fountain City, but large portions of the creek run through concrete drainage ditches. Whites Creek, a tributary of First Creek, runs parallel to the east/west railroad line and intersects with First Creek near the North Broadway/I-640 interchange. These two creeks make up the majority of the area's watersheds except for the northwestern portion of the sector, which drains into Knob Fork Creek.

According to the assessment by the Tennessee Department of Environment and Conservation (TDEC), these creeks are classified as "not supporting." Not supporting means that water quality criteria created by the EPA are not being met and wildlife is seriously impacted. The primary sources of the low rankings are pollutants in urban runoff, severe alterations of natural stream banks, the aging sanitary sewer system and high-density urbanization. As of 1984, First Creek has had a water contact advisory posted due to bacteria within the water. First Creek's problems include pathogens, nitrates, siltation, and habitat alterations. Whites Creek was listed only for pathogens and habitat alterations.

There are many areas in the sector that are prone to flooding. The area surrounding Whites Creek, which runs along McCampbell Drive, has an extensive floodplain especially between Beverly and Murphy Road. This limits the amount of development that can take place in this area. The floodplain of First Creek runs along North Broadway from Cedar Lane to Interstate 640. Future development in this area should be built with attention to water drainage problems. Significant flooding also takes place south of Dante Road due to the portion of Knob Fork that enters the sector for a short distance.

Additionally, sinkholes are present within this sector and create conditions that are unsuitable for development. A large sinkhole, which acts as a drainage basin, is located in the Harrell Hills subdivision between Clairidge Road and Gaines Road. The area was flooded so often that the city bought the surrounding lots and removed the existing structures. The area is now designated as a critical watershed in the City's Stormwater Ordinance and requires stormwater retention for development. Impervious surfaces in the neighborhood, such as asphalt roads, roofs, and driveways, increase the amount of rainwater that flows into this sink hole. This problem could increase in the future if the amount of impervious surfaces from development continues to grow.

The Preserve at White's Creek
Hydrologic Impacts of Proposed Development
Prepared by: Robert A. Christensen, PE
Date: 1/14/2023

OVERVIEW

This report provides an assessment and a comparison of existing and proposed storm drainage conditions that could be expected as a result of the implementation of the proposed development plan known as The Preserve at White's Creek. The proposed development plan was presented by the Knox County Planning Commission and prepared by W. Scott Williams and Associates, revised 11/21/2022.

A drainage report has not been provided to support this development plan. The assessment provided in this report makes assumptions related to proposed drainage schemes. The potential impacts to White's Creek, which is the downstream receiving tributary will be discussed.

Hydrologic and hydraulic evaluations provided in this report are based on evaluation methodologies provided in the Knox County, Tennessee Stormwater Management Manual, January 2008.

EXISTING CONDITIONS

The development known as The Preserve at White's Creek is proposed on a northwest facing slope of undeveloped land above White's Creek east of Beverly Road and north of Greenway Drive in Knox County, Tennessee. The trapezoidal shaped parcel is 84.56 acres in size, with its southeastern boundary extending along a ridge line and its northwest boundary defined by White's Creek.

Hydrologically and from a development potential perspective, the parcel can be divided into three segments. The southeastern portion is steep along a ridge line. Slopes of 30% to 50% are typical in this area. The northwest portion is flat and is flood prone and is documented in the county's FEMA floodplain and Flood Insurance Study. The middle portion is higher than the floodplain, but below the steep slopes that extend up to the ridge line.

All runoff from the property is tributary to White's Creek, which drains toward the southwest, flowing into First Creek, which drains into the Tennessee River. The eastern end of the parcel drains to White's Creek as distributed flow at a location approximately 2,000 feet upstream of the Beverly Road Bridge and the western end of the property drains to the Creek as distributed flow closer to the Beverly Road Bridge.

The property is wooded and soil types vary across the site according to the USGS Web-Soil Survey. Area floodplain soils are typically classified as Steadman silt-loam with Stafford silt-loam adjacent to the floodplain. Further up is Apison-Montvalo complex and up towards the ridge line is Nonoburg channery silt loam characterized by rocky, severely eroded ground cover. The soil survey classifies soil types according to hydrologic soil group. Classifications range from type A to type D soils with type A soils having a high infiltration rate, such as sand and

gravel. Type B soils exhibit a moderate infiltration rate and type C soils have a slow infiltration rate, often with a subsurface layer that impedes downward movement. Type D soils have a very slow infiltration rate. At this site, the floodplain area and proposed development sites are Type C soils and the upslope areas approaching the ridge are Type D soils.

White's Creek

White's Creek is a FEMA regulated drainage. The regulatory floodplain and floodway are illustrated on the effective Flood Insurance Rate Map (FIRM), dated 5/2/2007. These floodplain and floodway lines appear to be appropriately shown on the proposed development plan.

The drainage is 6.5 square miles at its mouth and 5.39 square miles at the railroad bridge below Greenway Drive. The Flood Insurance Study for Knox County, Tennessee indicates that the 10-, 50-, 100-, and 500-year flood flowrates are 1075, 1614, 1900, and 2503 cfs at the bridge, respectively.

The flood profiles for White's Creek in the vicinity of Beverly Road and the proposed development are shown in the Flood Insurance Study for Knox County, Tennessee. Plate 205P in Volume 4 of the Study shows that all of the (10-, 50-, 100-, and 500-year) flood profiles overtop the Beverly Road Bridge. This Bridge, without guard rails, poses an existing hazard in a highly populated, well traveled setting.

Approximately 700 feet downstream of Beverly Road Bridge is the Norfolk Southern Railway Bridge. All flood profiles shown are higher than the bridge low chord. Approximately 450 feet further downstream is the Greenway Drive Bridge. All flood profiles shown are higher than this bridge's low chord, also. The low chord is the lowest part of the bridge, closest to the water surface. Freeboard is the dimension between the water surface and low chord. When freeboard goes to zero and water laps on the bottom of the bridge, debris is trapped and the capacity of the bridge to pass flow is further diminished. These downstream limited capacity bridges can and often do become blocked with logs and debris resulting in tailwater conditions that can back up to Beverly Road resulting in flooding even higher and more frequent than the FEMA modeling predicts.

PROPOSED DEVELOPMENT

The footprint for the proposed development is the middle section of the property. The regulatory floodplain and floodway will not be disturbed. This floodplain/floodway area that will not be disturbed is 27.33 acres. The 31.64 acre steep ridge area will be designated as open space. This leaves approximately 25.59 acres to be developed accommodating the roads and residential lots.

The proposed development is for 196 dwelling units (du) coming off of a single access point at Beverly Road approximately 150 feet south of the Beverly Road Bridge over White's Creek. The effective density of the entire development is 7.67 du/acre. The lower section, closest to Beverly Road propose 75 attached town homes at a density of approximately 12 du/acre. Further east, the proposal calls for a second parallel road. The two streets will serve a proposed 121 single family lots at a density of approximately 6 du/acre.

Related to site drainage, it is noted that the proposed access road (Road A) is designed as a reverse crown road, dipping and draining toward the middle of the road. This non-standard roadway design will create a hazard if drainage becomes blocked. The design seems even more hazardous considering this is the one and only development access.

Three parcels along the northwestern row of residential lots are designated for runoff detention purposes. These are discussed below.

EXISTING AND PROPOSED HYDROLOGY

Section 1.1.1 of the Knox County Stormwater Management Manual begins, "When land is developed, the hydrology, or the natural cycle of water is disrupted and altered." The Manual goes on to specify that land clearing removes the vegetation and generally the impervious surfaces of development increase runoff volumes and concentrate the flows into gutters, storm sewers and channels increasing peak flows by expediting the time of concentration of flows delivered to receiving waters.

Below is a comparison of conditions that could be expected at White's Creek in the vicinity of the Beverly Road Bridge due to the proposed development parcel of 25.6 acres for both pre- and post-development conditions. The Knox County 100-year, 24-hour rainfall of 6.5 inches is used for this comparison. The SCS method is employed and the source (equation or table from Knox Co. Manual) is cited in the table. Numerous assumptions are employed related to proposed drainage design and flow patterns.

Table 1.

<u>Parameter</u>	<u>Existing Condition</u>	<u>Proposed Condition</u>	<u>Source</u>
Overland Flow Length	300 feet	50 feet	Devel. Plan
Overland Flow Time	18 minutes	1 minute	Eqn 3-4
Shallow Concentrated L	600 feet	1500 feet	Devel. Plan
Shallow Flow Time	3 minutes	6 minutes	Eqns 3-4,5,6
Creek Flow L	2770 feet	1500 feet	Flow Patterns
Creek Flow Time	9 minutes	5 minutes	Eqns 3-7,8
Total flow Time	30 minutes	12 minutes	Eqn 3-3
SCS CN	70	88	Table 3-12
Initial Abstraction	0.857 inches	0.273 inches	Eqn 3-13
Direct Runoff	3.2 inches	5.1 inches	Eqn 3-12
Unit Pk Q	500	800	Fig 3-6
Peak 100-yr Q	64 cfs	163 cfs	Eqn 3-16

The SCS method calculation shows a volume increase of direct runoff of 60% and more than doubling of the expected peak flow from the 100-year storm coming off the 25.59 acres of development. More frequent, common storms will also show more runoff volume and peak flow due to the proposed development.

Detention Storage

Detention Storage of excess runoff due to urbanization can mitigate the runoff impacts due to development. Typically, at these facilities, runoff is collected and metered out at historic rates. The development plan shows three lots identified as detention ponds. A cursory review indicates that with typical pond grading and maintenance access, these lots are not large enough to capture the excess runoff expected due to development. These proposed, smaller area ponds may be beneficial for water quality mitigation and for providing appropriate easements for drainage paths.

SUMMARY

The White's Creek drainage is an existing flood hazard at a number of locations, particularly at the Beverly Road Bridge crossing. In a previous study related to a different proposed development in this drainage basin, Dr. James L. Smoot, Hydrologist, then a University of Tennessee professor offered this opinion regarding development in the White's Creek drainage area. *"Any further development of property in the watershed which would result in increases in either runoff volume or runoff peak flows would likely have a negative impact on downstream properties."* (June 23, 2000).

The developer and the County jurisdiction are encouraged to show precaution in advancing a proposed development on this property. An extremely dense development, as currently proposed, will not allow for the inclusion of Best Management Practices (BMP's) that can serve to mitigate for increased runoff and downstream water quality. The development as proposed will exacerbate flooding locally and downstream, within the City of Knoxville.

- A development plan that is limited to 50 to 60 residential units on this property is recommended. This density would allow for adequate open space to accommodate functional detention ponds and provide for overland drainage paths, which allow a disconnection of the impervious surface drainage paths. Disconnecting impervious drainage paths by including paths across lawns and wooded areas has been found to slow down and reduce runoff and enhance the water quality emanating from a developed area. It is recommended that this site be limited to a density of approximately 1 du/acre on the approximate 57 acres that is not within the regulatory floodplain. It is also recommended that all Best Management Practices be employed during and after construction. Erosion will lead to silt accumulations in downstream waterways and bridges and will exacerbate flooding.

A Drainage Report detailing the proposed drainage scheme would assist the community and developer in understanding and mitigating drainage and flooding impacts.

About the Author- Robert Christensen is a retired Civil Engineer. Mr. Christensen served as a project manager for URS Corporation, AECOM, and WSP specializing in Water Resources. Clients included developers, municipal jurisdictions, state DOT's, UP Railroad and mining enterprises.

James L. Smoot, Ph.D., P.E.

ENVIRONMENTAL ENGINEER AND HYDROLOGIST

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Surface Water Hydrology
Ground Water Hydrology
Stormwater Management
Soil Erosion and Sediment Control
Water Quality Assessment
Contaminant Transport

June 23, 2000

Excerpts below from Hydrologist report on White's Creek -
read entire report at www.beverlyrezoning.com

Any further development of property in the watershed which would result in increases in either runoff volume or runoff peak flows would likely have a negative impact on downstream properties. These negative impacts would likely consist of an increased frequency of nuisance and/or property-damaging flooding, reduction of aesthetic values associated with the drainageway, channel erosion, and sediment deposition.

If development and redevelopment in the Whites Creek watershed proceeds it would be prudent, given the extensive history of flooding problems, to limit the increases in imperviousness to the greatest degree possible. This imperviousness typically increases with development density and leads to increased stormwater runoff volumes even with the use of multi-storm-sized detention ponds (such as those required by Knoxville Ordinance). Policies applied to a single development in a watershed may set a precedent and could lead to cumulative significant and detrimental hydrologic changes in the watershed. If the development of Turnberry Square proceeds as planned, the capacity and condition of the receiving stormwater conveyance system should be considered and significantly improved. The density of this development (approximately 1/4-acre lot sizes) is significantly higher than pre-development and surrounding property in the watershed. If that density is adopted for other development and redevelopment projects in the watershed, the cumulative hydrologic effects would be anticipated to be extremely negative and likely consist of increased property-damaging and nuisance flooding magnitude and frequency and channel erosion.

If you should have any questions concerning my above discussion, please do not hesitate to contact me.

Sincerely,



James L. Smoot, Ph.D., P.E.
Environmental Engineer and Hydrologist



Arthur Parris <beverlyrezoning@gmail.com>

File 1-E-21-RZ number 17 Jan agenda

2 messages

Arthur Parris <beverlyrezoning@gmail.com>
To: commission@knoxplanning.org

Tue, Jan 12, 2021 at 3:28 PM

Re:1-E-21-RZ

Commissioners,

After watching Agenda Review, I felt compelled to clear up a few issues that were discussed.

1. **Flooding**- at agenda review MPC staff said, "photos aren't indicative of flooding, photos submitted were when half the county was flooded." In the attachment we sent to MPC and also on our website

www.beverlyrezoning.com there are photographs numbered 9, 10, & 11 from Jan 3 2020 on a 1.3-inch rain. Additionally, hydrologist Dr. Smoot -report we submitted and is on the website documents flooding in the area and impacts for downstream flooding along White's Creek and First Creek.

2. Not discussed at all- the FEMA Flood Map with our attachment, on our website, and p: 11 of the MPC packet, and it clearly shows the 100-year, not even the 500-year floodplain going across the entire frontage of his property where the entrance to this project would be located.

3. A commissioner asked why this rezoning was before you again, you were told, "He withdrew it at County Commission." Actually, this same rezoning was heard two times at County Commission June 2018 and again Jan 2020. In June 2018, the applicant's attorney, after 5 hours of waiting for it to be heard and with a proper motion and second on the rezoning and a density of 1.5 dwelling units per acre before the County Commission, abruptly withdrew it before the vote. In Jan 2020, the developer waited until the County Commission discussed the density and were on the verge of a motion and withdrew it one more time.

4. Calculating of the density, MPC staff said, "We are being consistent with what we have done in the past, we do not remove flood plain areas from the density calculation." The staff confused 'flood plain area' with Floodway Zone. This property has 19 acres Zoned Floodway. Floodway is a Zoning District, and floodway is not an overlay. The Knox County Ordinance is clear- 5.70.04B1 says, "ANY STRUCTURES OR FILLING OF LAND PERMITTED SHALL BE OF A TYPE NOT APPRECIABLY DAMAGED BY FLOODWATERS, PROVIDED NO STRUCTURES FOR HUMAN HABITATION SHALL BE PERMITTED." Therefore, the 19 acres in the Floodway Zoning District should not be included in the density calculation. His rezoning request is for PR and Floodway.

5. See attached MPC Staff Report March 2018. MPC staff did not include this in your packet nor did they mention the Staff Recommendation from March 2018. Over 700 families are in agreement regarding the rezoning and density the staff recommended in March 2018. There are no changes in conditions that would warrant a change of density from the March 2018 recommendation of 1 unit per acre on 61 acres outside the Floodway Zone, for a total of 61 homes.

Thank you for your time and consideration.

Arthur Parris

4811 Beverly Road

 Scan0014.pdf
1760K

Commission <commission+noreply@knoxplanning.org>
To: beverlyrezoning@gmail.com

Tue, Jan 12, 2021 at 3:43 PM

Thank you for your comment. Your message was received by the Knoxville-Knox County Planning Commission.







12-SC-22-C & 12-C-22-DP

Beverly Road and White's Creek Flooding have been on the radar of MPC for 34 years.

MPC Staff report dated Aug 15, 1988:

"Although an arterial road, the portion of Tazewell Pike that bisects the study area (*vicinity of Anderson Rd*) is narrow, with little or no shoulder. Other access roads, including those linking the area to East Town Mall, are also narrow and winding, incapable of handling a substantial increase in traffic."

(This statement includes Beverly Road)

MPC Staff report dated Aug 15, 1988:

"Certain portions of the study area have been identified in the North Knoxville Sector Plan as of critical environmental concern. According to the plan, development should be limited to protect the environmental quality of the area and avoid creation of environmental problems in surrounding areas. These areas include the White's Creek 500-year floodplain... flooding problems already exist within the White's Creek Floodplain."

(The proposed development on Beverly Road is within the 500-year floodplain on White's Creek)

60% of 61 acres zoned Planned Residential consists of slopes over 15%

3-D-18-RZ Slope Analysis

Non-Hillside Portions	Acreage
	21.96

Hillside and Ridgetop Protection Area

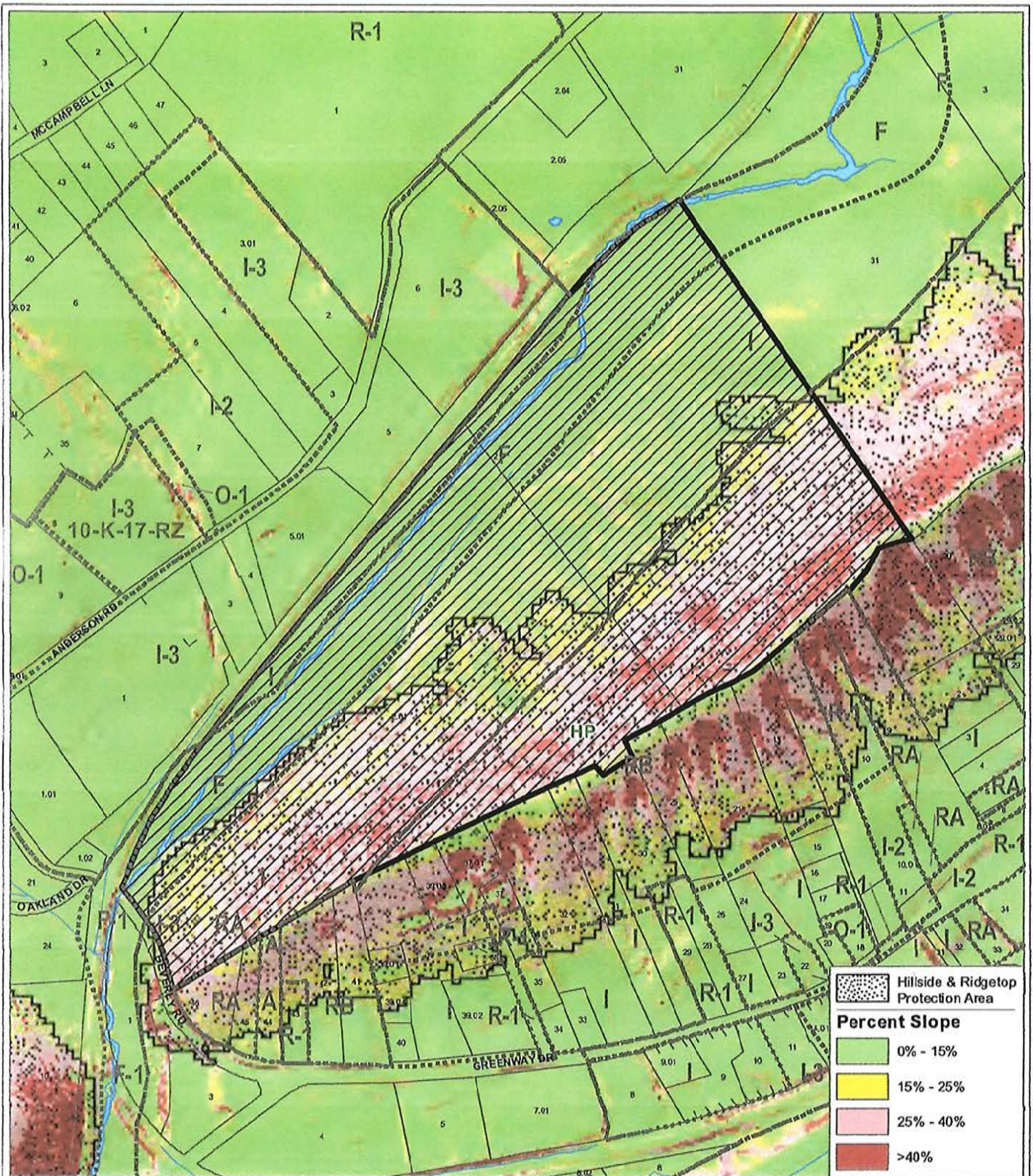
Value	Percent Slope	Count	Acres
1	0%-15%	4458	2.56
2	15%-25%	15041	8.63
3	25%-40%	38721	22.22
4	>40%	10750	6.17
			39.58

Ridgetop Area	0
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Floodway Area	18.85
(not counted towards overall PR density)	

Site Total	80.39
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Area counted towards density	61.54
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**3-D-18-RZ
REZONING - SLOPE ANALYSIS**

From: RB (General Residential), I (Industrial) and F (Floodway)

To: PR (Planned Residential) & F (Floodway)

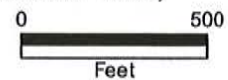


Original Print Date: 2/8/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Gulgnard, Randy

Map No: 59

Jurisdiction: County



File #- 3-D-18-RZ, 3-A-18-SP DRAFT MINUTES- MPC Meeting March 8, 2018

MPC Commissioner and developer Scott Smith- regarding this proposed project on Beverly Road, "You'd have to build a road at 30% slope adjoining a floodway, 2000 feet back to the area you are developing and do not see how you can afford that." (He voted NO on this project)

Quotes from MPC Staff report:

Staff Recommendation:

PR (Planned residential) zoning will allow the residential units to be clustered into the more developable portions of the site, in order to protect the floodway and steep slopes.

APPROVE PR (Planned Residential) zoning at a density of up to 1 unit per acre.

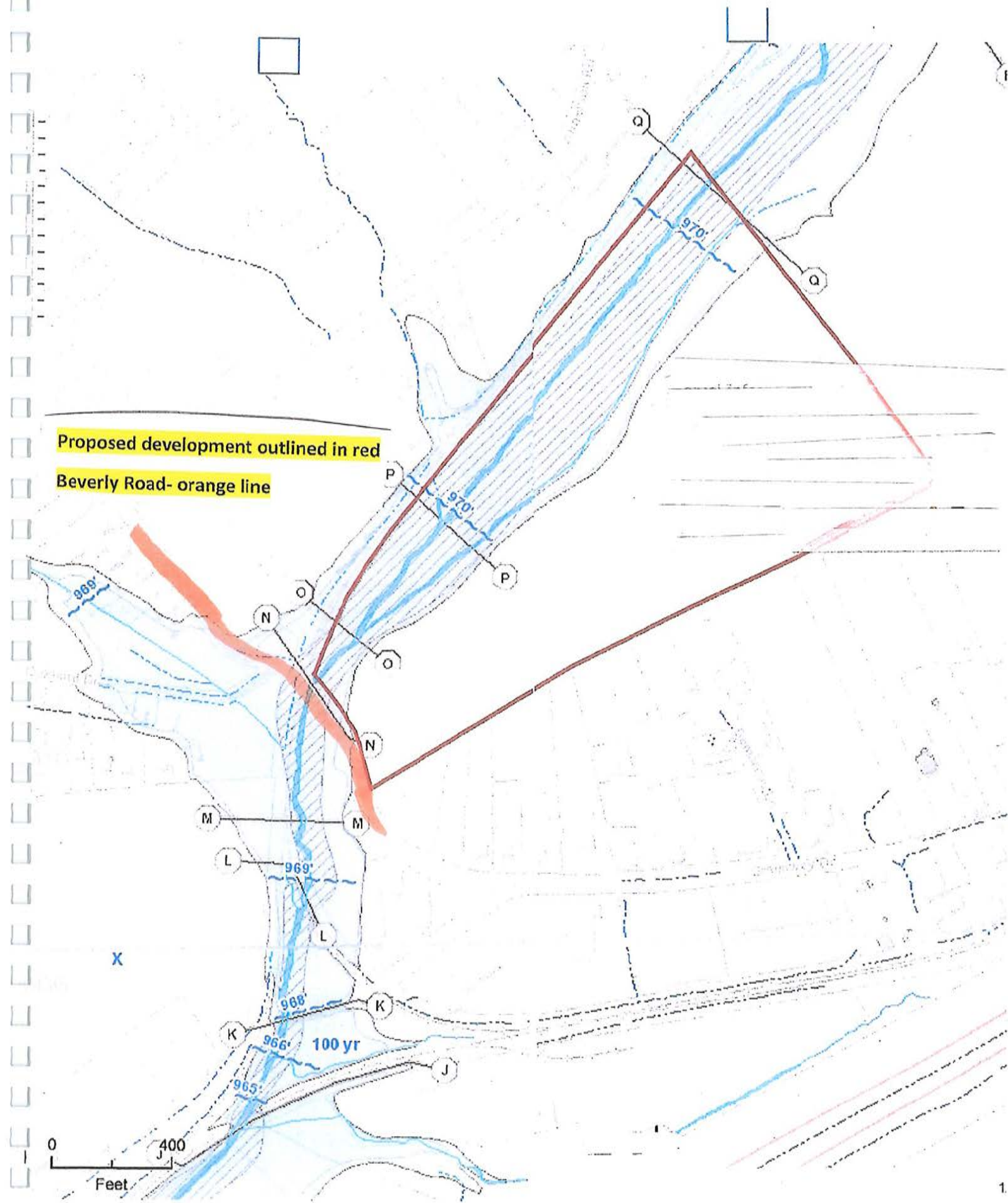
PR zoning at the recommended density will allow reasonable development. The extreme slopes of the property, with sparse and small developable areas, as well as the impact of the adjacent floodway, warrant the recommendation to a density not to exceed 1 dwelling unit per acre- up to 61 dwelling units, based on the property outside the floodway.

The slopes and floodway limitations of the site make it unsuitable for development at a density exceeding 1 dwelling unit per acre.

Because of the nature of the slopes and the additional impact of the floodway, staff is recommending to limit density to no more than 1 dwelling unit per acre.

This would add approximately 658 vehicle trips per day. Two-thirds of the site is designated for Slope Protection Area. Disturbance of the site for residential lot construction should be limited, to the greatest extent possible, to areas outside of the Slope Protection Area.

FEMA Flood Map for 12-SC-22-C & 12-C-22-DP





January 3, 2020

Flooded entranceway after 1.3" of rain

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

► **FILE #:** 3-D-18-RZ

AGENDA ITEM #: 24

3-A-18-SP

AGENDA DATE: 3/8/2018

► **APPLICANT:** RANDY GUIGNARD

OWNER(S): Randy Guignard

TAX ID NUMBER: 59 002 & 00201

[View map on KGIS](#)

JURISDICTION: Commission District 2

STREET ADDRESS:

► **LOCATION:** Northeast side Beverly Rd., south of Oakland Dr.

► **TRACT INFORMATION:** 88.5 acres.

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Beverly Rd., a major collector street with 25' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

► **PRESENT PLAN DESIGNATION/ZONING:** AG (Agricultural), SLPA (Slope Protection Area) & STPA (Stream Protection Area) / RB (General Residential), I (Industrial) and F (Floodway)

► **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area) / PR (Planned Residential) & F (Floodway)

► **EXISTING LAND USE:** Vacant land

► **PROPOSED USE:** Residential development

DENSITY PROPOSED: 5 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Railroad, Whites Creek, light industrial / LI, F / I-3 (General Industrial) and I (Industrial)

South: Vacant land, houses / MU-SD (NC-8), SLPA / RB (General Residential)

East: Vacant land / AG, SLPA / I (Industrial) and RB (General Residential)

West: Beverly Rd., residences / LDR, SLPA / R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of residential and light industrial uses under various zones, including RB, R-1, I and I-3.

STAFF RECOMMENDATION:

- **DENY the requested LDR (Low Density Residential), SLPA (Slope Protection), and STPA (Stream Protection) sector plan designation.**

Reasonable residential development may be permitted under the current agricultural sector plan designation, which allows consideration of PR zoning at a density of 1 du/ac or less. The steep slopes and floodway characteristics of the site make it unsuitable for a density of greater than 1 du/ac, therefore the sector plan amendment is not necessary. The requested PR zoning will allow the residential units to be clustered into the more developable portions of the site, in order to protect the floodway and the steep slopes.

- **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 1 du/ac. (Applicant requested 5 du/ac.)**

PR zoning at the recommended density will allow reasonable development of the site, consistent with the current sector plan proposal and surrounding development, and also consistent with the residential density guidelines of the Hillside and Ridgetop Protection Plan (HRPP). The extreme slopes of the property, with sparse and small developable areas, as well as the impact of the adjacent floodway, warrant the recommendation to a density not to exceed 1 du/ac, which would permit consideration of up to 61 dwelling units, based on the area of the property that is outside of the floodway.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No known improvements have been made recently to this section of Beverly Rd. Utilities are available in the area, but may need to be extended to serve the site. No infrastructure improvements have occurred that warrant the change to the sector plan map to LDR.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan proposes agricultural uses, with slope and stream protection, for the site, which is not consistent with the property's current I and RB zoning. This designation is appropriate for the site, because it limits residential development to no more than 1 du/ac of density. The slope and floodway limitations of the site make it unsuitable for development at a density exceeding 1 du/ac.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

Residential development is established to the west, within the City Limits of Knoxville. This area has been approved for various types of zoning and development. The current plan designation of AG will allow the applicant to get some reasonable use out of this property, which is considerably steep and will have some limitations because of the adjacent floodway.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

Low density residential uses have long been established to the west on the opposite side of Beverly Rd. from this site. The property is suitable for limited residential density that is allowable under the current AG sector plan designation.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The recommended zoning and density for the subject property are appropriate to allow reasonable use of the site, while remaining compatible with surrounding development and zoning, and consistent with the policies of the HRPP.

2. With application of the residential density and land disturbance guidelines from the HRPP, the maximum density should be limited to 2.61 du/ac. The slope analysis, map and calculations are attached. However, because of the nature of the slopes and the additional impact of the floodway, staff is recommending to limit

density to no more than 1 du/ac.

3. The PR zone requires use on review approval of a development plan by MPC prior to construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, lot layout, recreational amenities, drainage, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational and cultural facilities which are integrated with the total project by unified architectural and open space treatment.

2. Additionally, the zoning states that each development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the Planning Commission by review of development plans. Staff maintains that PR is the most appropriate zone for this development.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. Staff's recommended zoning and density will be compatible with the scale and intensity of the surrounding development and zoning pattern.

2. Sidewalks may be required on at least one side of each street within the development, and possibly along the Beverly Rd. frontage.

3. The PR zoning district has provisions for preservation of open space and providing recreational amenities as part of the development plan. The applicant will be expected to demonstrate how these provisions are met as part of the required development plan review.

4. The requested PR zoning at a density of up to 5 du/ac would allow for a maximum of 307 dwelling units to be proposed for this site, which has a calculated area of 61.54 acres outside of the floodway that may be counted toward density calculations. That number of detached units, as requested, would add approximately 2909 vehicle trips per day to the street system and would add approximately 109 children under the age of 18 to the school system. The recommended PR zoning at a density of up to 1 du/ac would allow for a maximum of 61 dwelling units to be proposed for the site. That number of detached units would add approximately 658 vehicle trips per day to the street system and would add approximately 22 children under the age of 18 to the school system.

5. About two-thirds of the site is designated for SLPA (Slope Protection Area) on the sector plan (see attached sector plan map). Disturbance of the site (grading and removal of vegetation) for residential lot construction should be limited, to the greatest extent possible, to areas outside of the SLPA and away from the steepest portions of the site, as identified by the staff slope analysis. Best management practices, as identified in the HRPP, should be utilized to minimize the amount of clearing and grading that will be required for the development.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The current North City Sector Plan proposes agricultural uses, slope and stream protection for the site. The staff recommended zoning and density are consistent with current sector plan designation for the property. The current I and RB zoning on the property are not consistent with the sector plan.

2. The recommended zoning and density do not present any apparent conflicts with any other adopted plans.

Upon final approval of the rezoning, the developer will be required to submit a development plan for MPC consideration of use on review approval prior to the property's development. The plan will show the property's proposed development, landscaping and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

ESTIMATED TRAFFIC IMPACT: 2909 (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: 109 (public school children, ages 5-18 years)

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

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. 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.

If approved, this item will be forwarded to Knox County Commission for action on 4/23/2018. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.

REZONING REPORT

► FILE #: 7-I-20-RZ

AGENDA ITEM #: 16

AGENDA DATE: 7/9/2020

► APPLICANT: S & E PROPERTIES
OWNER(S): William H. & Carol A. Marshall

TAX ID NUMBER: 77 098 [View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 8520 W. Emory Rd.

► LOCATION: South side of W. Emory Road, west of Beaver Ridge Rd.

► APPX. SIZE OF TRACT: 19.68 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W Emory Road, a major arterial with a pavement width of 26 feet within a right-of-way width of 100 feet.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

► PRESENT ZONING: A (Agricultural) & F (Floodway)

► ZONING REQUESTED: PR (Planned Residential) & F (Floodway)

► EXISTING LAND USE: Agriculture/forestry/vacant

► DENSITY PROPOSED: 5 du/ac

EXTENSION OF ZONE: Yes, PR (Planned Residential) up to 5 du/ac is adjacent to the north.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Rural residential, multi-family residential -

South: Rural residential, agriculture/forestry/vacant -

East: Agriculture/forestry/vacant -

West: Agriculture/forestry/vacant -

NEIGHBORHOOD CONTEXT: This area is characterized by large lot agricultural land primarily in the floodplain of Beaver Creek with smaller lot, single family residential, rural residential and multi-family residential primarily to the west and north of W Emory Road.

STAFF RECOMMENDATION:

► Approve PR (Planned Residential) zoning up to 5 du/ac and F (Floodway) because it is consistent with the sector plan designation of MDR (Medium Density Residential) and SP (Stream Protection) for this area.

COMMENTS:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The Northwest County Sector continues to be the most rapidly growing area of Knox County and additional opportunities for a variety of types of residential development are warranted.
2. This area is also served by water and wastewater services and the relatively new Karns Valley Drive.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. PR (Planned Residential) is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones.
3. The F (Floodway Zone) was established for the purpose of meeting the needs of the streams to carry floodwaters of a five hundred (500) year frequency flood and protecting the river, creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.
4. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. PR zoning up to 5 du/ac will require a public review of a proposed site plan as part of the use on review process.
2. The required use on review process will address any issues related to the compatibility of the surrounding developments and land uses.
3. 8.22 acres of the site remains in the F (Floodway) zone and cannot be counted toward the density calculation for the residential development of the PR (Planned Residential) portion of the site when a site plan is submitted for use on review.
4. The PR (Planned Residential) zone would be limited to the remaining 11.46 acres of the site. At 5 du/ac, the maximum number of dwelling units is 57.
5. The applicant is encouraged to work with Knox County Engineering to address concerns related to the adjacent floodplain area of Beaver Creek.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The PR (Planned Residential) zone up to 5 du/ac and F (Floodway) zone are consistent with all adopted plans.

ESTIMATED TRAFFIC IMPACT: 620 (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: 23 (public school children, grades K-12)

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns 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.

REZONING REPORT

► **FILE #:** 2-A-21-RZ

AGENDA ITEM #: 9

AGENDA DATE: 2/11/2021

► **APPLICANT:** JOSH SANDERSON / PRIMOS LAND COMPANY

OWNER(S): Primos Land Company

TAX ID NUMBER: 77 098

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 8520 W. Emory Rd.

► **LOCATION:** West side of Beaver Ridge, south side of W. Emory Rd.

► **APPX. SIZE OF TRACT:** 19.68 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: W. Emory Road is a major arterial with a 26-ft pavement width inside a 100-ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

► **PRESENT ZONING:** A (Agricultural) & F (Floodway)

► **ZONING REQUESTED:** PR (Planned Residential) & F (Floodway)

► **EXISTING LAND USE:** Single family residential dwelling

► **DENSITY PROPOSED:** 3 du/ac

EXTENSION OF ZONE: Yes, PR zoning is across the street to the northwest

HISTORY OF ZONING: A request to rezone this property to PR with up to 5 du/ac was approved by the Planning Commission in July 2020 (Case # 7-I-20-RZ) but was withdrawn at City Council.

SURROUNDING LAND USE AND ZONING: North: Rural residential and multifamily residential - PR (Planned Residential up to 5 du/ac) and A (Agricultural)

South: Rural residential and agricultural/forestry/vacant (across Beaver Creek) - A (Agricultural) / F (Floodway)

East: Agricultural/forestry/vacant - A (Agricultural) / F (Floodway)

West: Agricultural/forestry/vacant - A (Agricultural) / F (Floodway)

NEIGHBORHOOD CONTEXT: This area is characterized by large lot agricultural land primarily in the floodplain of Beaver Creek with smaller lot, single family residential, rural residential and multifamily residential primarily to the west and north of W.Emory Road.

STAFF RECOMMENDATION:

► **Approve PR (Planned Residential) zoning up to 3 du/ac and F (Floodway) because it is consistent with the sector plan designation of MDR (Medium Density Residential) and SP (Stream Protection) for this area.**

COMMENTS:

1. This site contains land in a FEMA floodway and floodplains (500-year and 100-year) on the southern portion of the site. The Knox County Stormwater Ordinance defines floodplains and floodways as such:
 - a. Floodplain means any land area susceptible to being inundated by water from any source. Floodplains that have been studied for purposes of flood insurance documentation are typically assigned a recurrence interval (i.e., the 100-year floodplain) which defines the magnitude of the flood event that causes the inundation in the floodplain to a specified flood elevation. The 100-year floodplain is the area subject to inundation during the 100-year flood (i.e., land with a 1% chance of flooding any given year).
 - b. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.
2. The applicant's application requests a density of 3 du/ac.
3. Of the 19.68 acres of the site, 8.22 acres is located in the F (Floodway) zone. The PR (Planned Residential) zone would be limited to the remaining 11.46 acres of the site. At 3 du/ac, the maximum number of dwelling units within the area zoned PR is 34. If the density were applied to the total site acreage, it would equate to 1.73 du/ac on the overall site (19.68 acres/34 dwellings = 1.73 du/ac).

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The Northwest County Sector continues to be the most rapidly growing area of Knox County and additional opportunities for a variety of types of residential development are warranted.
2. This area is also served by water and wastewater services and the relatively new Karns Valley Drive.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The PR (Planned Residential) zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones.
3. The F (Floodway Zone) was established for the purpose of meeting the needs of the streams to carry floodwaters of a five hundred (500) year frequency flood and protecting the river, creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.
4. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. PR zoning with up to 3 du/ac will require a public review of a proposed site plan as part of the use on review process.
2. The required use on review process will address any issues related to the compatibility of the surrounding developments and land uses.
3. Closed contour lines indicate the potential presence of sinkholes and should be investigated further during the concept plan/use on review process. A 50-ft setback must be observed from all closed contours/sinkholes unless a geotechnical study performed by a registered engineer states that building within the 50' sinkhole buffer is acceptable and the study is approved by the Knox County Department of Engineering and Public Works.
4. As stated, there is a significant portion of the site in a floodway and floodplains. The applicant is encouraged to work with Knox County Engineering to address concerns related to the adjacent floodplain area of Beaver Creek.
5. A traffic impact analysis would not be required since there would be fewer than 70 dwelling units.
6. Sight distance and access points would be addressed during the concept plan/use on review process and would be required to meet the requirements of the Knox County Engineering Department.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR

ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The PR (Planned Residential) zone with up to 3 du/ac and F (Floodway) zone are consistent with all adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 14 (public school children, grades K-12)

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns 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.

If approved, this item will be forwarded to Knox County Commission for action on 3/22/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION REZONING REPORT

FILE #: 8-D-14-RZ

AGENDA ITEM #: 39

AGENDA DATE: 8/14/2014

APPLICANT: JERRY & PEGGY CARDWELL

OWNER(S): Jerry & Peggy Cardwell

TAX ID NUMBER: 47 O A 014

JURISDICTION: County Commission District 7

STREET ADDRESS: 0 Berkford Rd

LOCATION: North end of Berkford Rd., north of Hannah Brook Rd.

APPX. SIZE OF TRACT: 10.24 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Berkford Rd., a local street with 26' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

PRESENT ZONING: PR (Planned Residential) and CA (General Business)/F (Floodway)

ZONING REQUESTED: A (Agricultural) and F (Floodway)

EXISTING LAND USE: Farm

PROPOSED USE: Rescue farm

EXTENSION OF ZONE: No

HISTORY OF ZONING: Property has been zoned PR since 1995 (2-D-95-RZ).

SURROUNDING LAND USE AND ZONING: North: Beaver Creek, businesses / C-6 (General Commercial Park) and F-1 (Floodway)

South: Residential subdivision / PR (Planned Residential) at 1-3 du/ac

East: Vacant farmland / CA (General Business)

West: Condominiums / R-2 (General Residential)

NEIGHBORHOOD CONTEXT: The area between Beaver Creek and E. Beaver Creek Dr. is primarily developed with low to medium density residential development under PR, RA and R-2 zoning. There are two adjacent CA zoned tracts in the area that do not have any apparent commercial use currently.

STAFF RECOMMENDATION:

RECOMMEND that County Commission APPROVE A (Agricultural) and F (Floodway) zoning.

Agricultural zoning is appropriate at this location at the rear of a residential subdivision and adjacent to Beaver Creek. Uses permitted under A zoning will have a minimal impact on surrounding properties. The current CA/F zoned area is recommended to be rezoned to just F (Floodway). The F zoning is not an overlay zone and can not be removed from the zoning map with this application. The CA/F area will be changed to the F base zone, subject to the zoning restrictions of the F zone, while removing the inappropriate CA zoning from the property.

COMMENTS:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):
THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The property was previously zoned CA prior to 1995, when PR zoning was proposed for the development of a residential subdivision. Since then, the PR zoned property to the south has been subdivided into residential lots and conservation areas at a density significantly less than the maximum 3 du/ac. Therefore, the subject property may be rezoned from PR back to A without resulting in the overall development density being exceeded. With the removal of the PR zoning on the subject parcel, the remainder of the Hidden Brook subdivision, with 63 lots, will have a developed density of just over 2 du/ac.
2. The requested Agricultural zoning is compatible with surrounding development and zoning and is consistent with the current sector plan proposal for the property.
3. The applicants have submitted a letter of support from the Homeowners Association of the adjacent Hidden Brook subdivision to the south (see attached letter).

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. Agricultural zoning allows for agricultural uses and residential uses on lots of at least one acre in size.
2. The subject property is over 10 acres in size and is undeveloped, so it is therefore appropriate for the requested Agricultural zoning. A portion of the property is currently used as a grazing area for two donkeys.
3. The current CA/F zoned area is recommended to be rezoned to just F (Floodway). The F zoning is not an overlay zone and can not be removed from the zoning map with this application. The CA/F area will be changed to the F base zone, subject to the zoning restrictions of the F zone, while removing the inappropriate CA zoning from the property.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. Public water and sewer utilities are available to the site, if needed.
2. The proposal would have a minimal impact on schools or streets. The proposed zoning is less intense than the current PR zoning.
3. The requested Agricultural and Floodway zoning, at this location, is compatible with surrounding development and zoning. There should also be no adverse effects on any other part of the County.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The North County Sector Plan proposes LDR (Low Density Residential) uses and STPA (Stream Protection Area) for the site. The requested Agricultural and Floodway zones are consistent with this plan designation.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/22/2014. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.

James L. Smoot, Ph.D., P.E.

ENVIRONMENTAL ENGINEER AND HYDROLOGIST

9820 Tallahassee Lane
Knoxville, Tennessee 37923
Phone: 865-974-7718
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E-mail: jsmoot@utk.edu

Surface Water Hydrology
Ground Water Hydrology
Stormwater Management
Soil Erosion and Sediment Control
Water Quality Assessment
Contaminant Transport

June 23, 2000

Ms. Jamie Rowe
4215 Tazewell Pike
Harrill Hills
Knoxville, Tennessee 37918-3524

Dear Ms. Rowe:

At your request, I have made a preliminary study of the hydrology and drainage characteristics of the upper portion of the watershed draining onto Cloverdale Lane, under and over Beverly Place and through an unnamed ditch behind houses on the west side of Ada Lane and eventually emptying into Whites Creek (a tributary to First Creek and the Tennessee River). This watershed is located in the Fountain City area in the northern portion of the City of Knoxville on Tazewell Pike about 1.5 miles east of Broadway. Also as requested, I have considered what the possible effect of the construction of the proposed 3.8-acre Turnberry Square subdivision would likely have on the watershed and the receiving drainage system. However, without more detailed information and data and associated computations, my discussions and conclusions should be considered very preliminary.

The headwaters for the subject watershed are along the hilltop just northwest of Tazewell Pike. The southeast slope of this hill drains down to the roadside ditch along Tazewell Pike and, based on City drainage maps (see copy attached), is collected in a 15-inch concrete culvert which collects water from about six or seven acres on the northwest side of Tazewell Pike which includes some drainage from along Briercliff Road and some runoff from the road surface of Tazewell Pike, itself. Also based on City drainage maps, this 15-inch concrete culvert connects to another culvert which takes the drainage under Tazewell Pike and empties in the southern third of the 3.8-acre Turnberry Square property. From this culvert outfall location the drainage flows in a grassed depression to where it discharges onto the northern end of Cloverdale Lane. At this location more runoff enters by way of overland flow and from a plastic culvert carrying runoff and discharge from a wet-weather spring located on property northeast of the Turnberry Square property. Based on the Knox County Soil Series (dated 1955), two natural drainageways drained the area now discharging to the north end of Cloverdale Lane. These natural drainageways (one across the Turnberry Square property and the other draining the wet-weather spring to the northeast) formed a single drainage feature (which apparently has been replaced with Cloverdale Lane) which fed into the ditch which parallels Ada Lane.

- Numerous problems with the existing drainage system have been experienced in the neighborhood and have been discussed with me by local residents. Because Cloverdale

Lane was apparently sited in what used to be a natural drainageway, it frequently experiences a heavy flow of storm runoff whenever runoff-producing precipitation events occur in the contributing watershed. Based on reports by local residents, it also receives drainage from the contributing wet-weather spring(s) on a seasonal basis when groundwater levels are high (typically winter and spring). Photographs taken along Cloverdale Lane in spring of 1994 during an "average" rain attest to the existing drainage problems. The existing drainage network has numerous apparent problem areas with limited flow capacity along much of its length to Whites Creek. The house on the north end of Cloverdale Lane has had "three feet" of water in the lower level of the house and now must run a sump pump for months at a time to keep the lower level dry (according to the owner). Based on the Knox County Soil Series maps, the soils on the Turnberry Square property and the Cloverdale Lane area are either Leadvale or Whitesburg silt loams and Sequoia silty clay loams. These Leadvale and Whitesburg soils are typical of those that lie in and along natural drainageways. According to the Soil Survey, "... internal drainage is slow and during wetter periods the water table is at or near the surface ..."

The existing drainage system in the subject watershed appears to have limited ability to effectively transport existing runoff waters to the natural receiving water bodies (Whites Creek / First Creek / Tennessee River). Based on reports by local residents and on photographs, numerous situations arise following storms of varying magnitudes where stormwaters back up on neighborhood roadways and adjacent properties. The natural drainageway has been impaired in several locations due to development encroachment and road construction. Some enhancements to the natural drainage system have been made in the upper end of the watershed (e.g., culverts along Tazewell Pike), but these enhancements were not continued along the remainder of the drainageway to provide adequate capacity for existing development. Any further development of property in the watershed which would result in increases in either runoff volume or runoff peak flows would likely have a negative impact on downstream properties. These negative impacts would likely consist of an increased frequency of nuisance and/or property-damaging flooding, reduction of aesthetic values associated with the drainageway, channel erosion, and sediment deposition. See Table 1 for a summary of estimates of runoff associated with different size storms and different dwelling unit densities on the Turnberry Square property. Note that the largest changes occur for the smaller but more frequent storms. Even if the stormwater management system for the Turnberry Square property is designed, constructed, and maintained to meet the minimum requirements of the Knoxville Ordinance for property in the Whites Creek basin (attenuation of peak flows up to the 100-year storm), many of the negative impacts listed above would still likely occur. Photographs depicting the current conditions of the receiving drainage area are shown in Exhibits 1 - 6.

Some of my specific concerns relative to the proposed development plan for Turnberry Square (based on plans prepared by Benchmark Associates and dated 6/1/00) are listed below. I did not have access to the engineer's supporting documents to review them for appropriateness of assumptions and methods and accuracy of calculations.

1. The existing 15-inch culvert handling runoff from the north side of Tazewell Pike is shown to be abandoned on the drainage plan. Where will that runoff be handled. The perimeter swale does not appear adequate to carry it.
2. No mention was made of the location of the wet-weather springs on the property or

how their discharge would be accommodated.

3. The drainage control structure detail included with the plans showed the use of 2-inch and 3-inch diameter orifices for hydraulic control. No provision to keep these orifices free of debris during severe storms was shown. A well designed trash rack would be needed to insure hydraulic integrity during a severe runoff event.
4. All stormwater discharge from the property (and runoff from the contributing area north of Tazewell Pike) is directed to Cloverdale Lane without any provision to carry this extra runoff. Even if adequately detained, the extra volume of runoff would cause runoff onto Cloverdale Lane to persist for longer durations following each runoff producing storm.

If development and redevelopment in the Whites Creek watershed proceeds it would be prudent, given the extensive history of flooding problems, to limit the increases in imperviousness to the greatest degree possible. This imperviousness typically increases with development density and leads to increased stormwater runoff volumes even with the use of multi-storm-sized detention ponds (such as those required by Knoxville Ordinance). Policies applied to a single development in a watershed may set a precedent and could lead to cumulative significant and detrimental hydrologic changes in the watershed. If the development of Turnberry Square proceeds as planned, the capacity and condition of the receiving stormwater conveyance system should be considered and significantly improved. The density of this development (approximately 1/4-acre lot sizes) is significantly higher than pre-development and surrounding property in the watershed. If that density is adopted for other development and redevelopment projects in the watershed, the cumulative hydrologic effects would be anticipated to be extremely negative and likely consist of increased property-damaging and nuisance flooding magnitude and frequency and channel erosion.

If you should have any questions concerning my above discussion, please do not hesitate to contact me.

Sincerely,

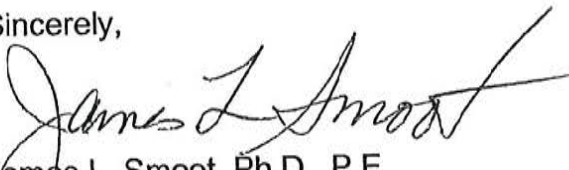

James L. Smoot, Ph.D., P.E.
Environmental Engineer and Hydrologist



Exhibit 1
Turnberry Square property looking northwest from Cloverdale Lane



Exhibit 2
Cloverdale Lane looking south



Exhibit 3
Cloverdale Lane pavement
 (note the buildup of algae and moss growing on the pavement)

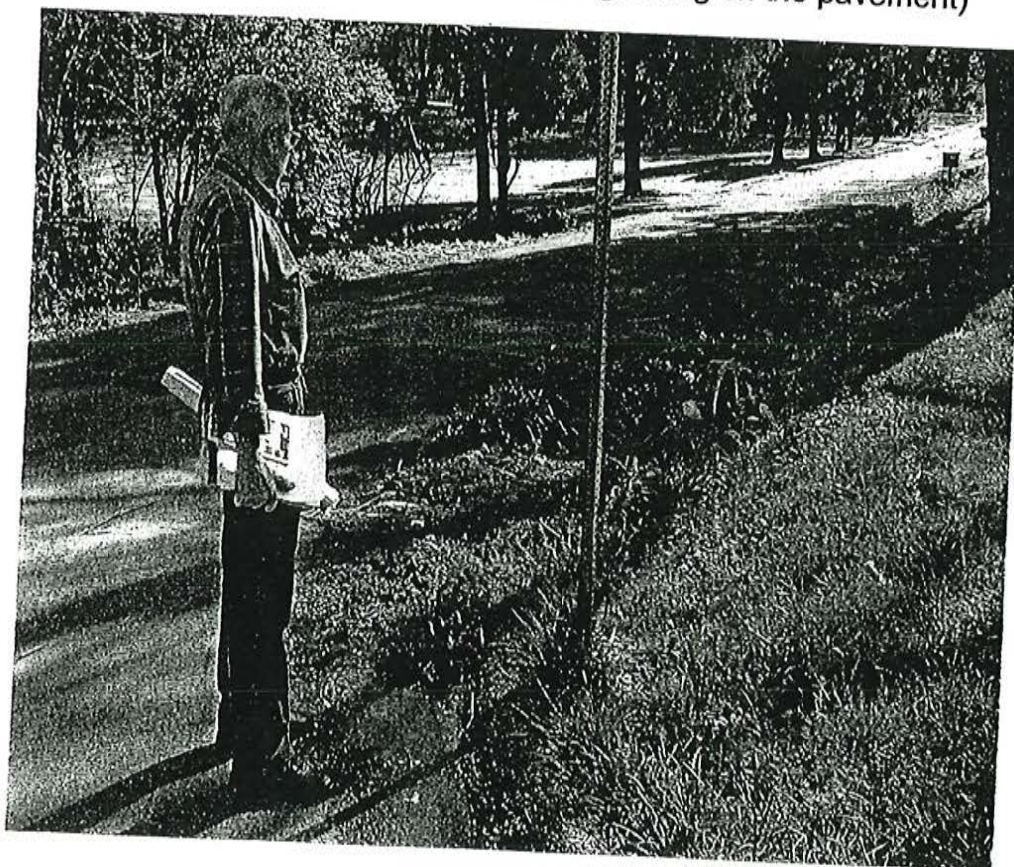


Exhibit 4
Corner of Cloverdale Lane and Bayview



Exhibit 5
Beverly Place looking west from Cloverdale Lane
(note: runoff in ditch needs to make 90-degree turn to pass under road through culvert)



Exhibit 6
Culvert under Beverly Place looking northeast toward Cloverdale Lane

TABLE 1. ESTIMATED RUNOFF CHANGES ASSOCIATED WITH CHANGES IN DWELLING UNIT DENSITY

DWELLING UNITS IN 3.8- ACRE DEVELOPMENT	ESTIMATED IMPERVIOUS PORTION (percent)	NRCS CURVE NUMBER	ESTIMATED RUNOFF FROM 24-HOUR RAINFALL DEPTH GIVEN (inches)			
			1 inch	2 inch	3.3 inch (2-year)	4.8 inch (10-year)
None (non-grazed meadow)	0	71	0	0.3	0.9	2.0
1	8	76	0	0.4	1.2	2.4
3	20	79	0.1	0.5	1.4	2.6
6	25	80	0.1	0.6	1.5	2.7
9	30	81	0.1	0.6	1.5	2.8
12 (proposed)	38	83	0.1	0.7	1.7	3.0

FLOOD INSURANCE STUDY



KNOX COUNTY, TENNESSEE, AND INCORPORATED AREAS

VOLUME 1 OF 4

Community Name

Community Number

FARRAGUT, TOWN OF

470387

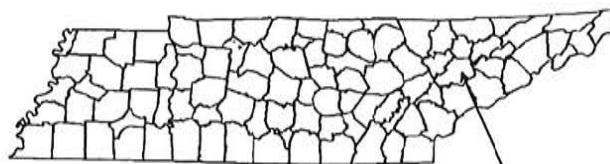
KNOXVILLE, CITY OF

475434

KNOX COUNTY

(UNINCORPORATED AREAS)

475433



Knox County

REVISED: August 5, 2013



Federal Emergency Management Agency

FLOOD INSURANCE STUDY NUMBER

47093CV001B

given to all known flood hazard areas and areas of projected development and proposed construction.

As part of this countywide FIS, streams chosen for this restudy were a balance of needs expressed by the three communities, including new studies on streams where no flood information is currently available. Table 5, "Stream Name Changes," presents the new names of streams restudied in this countywide analysis. For some streams the new information was an extension of an existing detailed study reach. Table 6, "Streams Studied by Detailed Methods for this Countywide Study," presents the streams that were studied by detailed methods for this countywide revision. Table 7 "Scope of Revision," presents the status of each detailed study stream (new or restudy), and the study limits for each. For many of these streams the study limits include backwater from the receiving stream.

TABLE 5 – STREAM NAME CHANGES

<u>Old Name</u>	<u>Community</u>	<u>New Name</u>
Sinking Creek	Knoxville	Sinking Creek (Tributary to Ten Mile Creek)
Tributary No. 1 to Ten Mile Creek	Knoxville	West Hills Tributary
Tributary No. 2 to Ten Mile Creek	Knoxville	Echo Valley Tributary

Table 3 presents the streams that were studied by detailed methods for the May 2, 2007, Knox County FIS.

TABLE 6 – STREAMS STUDIED BY DETAILED METHODS FOR THIS COUNTYWIDE STUDY

Beaver Creek	Knob Fork	Ten Mile Creek
Berry Branch	Limestone Creek	Tennessee River
Brice Branch	Little Flat Creek	Third Creek
Bullrun Creek	Little River	Thompson School Tributary
Burnett Creek	Little Turkey Creek	Tributary to Cox Creek
Clift Creek	Little Turkey Creek Tributary	Tributary No. 1 to First Creek
Conner Creek	Love Creek	Tributary No. 2 to First Creek
Cox Creek	Love Creek Tributary	Tributary No. 1 to Fourth Creek
East Fork Third Creek	Lyon Creek	Tributary No. 2 to Fourth Creek
Echo Valley Tributary	Mill Branch	Tributary No. 3 to Fourth Creek
First Creek	Murphy Creek	Tributary to Hines Creek
Flat Creek	North Fork Beaver Creek	Tributary to Turkey Creek
French Broad	North Fork Turkey Creek	Tuckahoe Creek
Goose Creek	Plumb Creek	Turkey Creek
Goose Creek Tributary	Roseberry Creek	Turkey Creek Tributary
Grassy Creek	Second Creek	West Hills Tributary
Grassy Creek Tributary	Sinking Creek	Whites Creek
Hickory Creek	Sinking Creek (Tributary	Williams Creek

recurrence interval of 20 years would be estimated under current conditions at less than a 10-year frequency. Total rainfall exceeding 8" recorded between April 16 and April 19, 1998, created numerous flooding problems in western Knox County and was reported to have temporarily blocked Kingston Pike at Turkey Creek. At minimum overflow, this corresponds to about a 10-year recurrence interval.

Whites Creek

A tributary to upper First Creek, Whites Creek experienced a large flood event on July 31, 1982. The flood reached an elevation of 958.6 feet NAVD at Nora Road, approximately a 100-year flood under current conditions, and elevation 967.2 feet NAVD at Greenway Drive, approximately a 50-year flood (TVA, April 1983).

Clinch River

From 1826 to the completion of Norris Dam in 1936, there were several severe floods on the Clinch River. The highest known flood occurred in March 1826, when the Clinch River reached a level about 18 feet above the present flood stage of 25 feet. The next highest floods occurred in February 1862 and March 1886 and were about two feet lower than the 1826 flood. Other large floods occurred in 1896, 1897, 1917, and 1918 (FEMA, 1994).

Other Streams

No elevation or discharge records are available for Burnett Creek, Conner Creek, First Creek Tributaries, Knob Creek, Hines Creek, Love Creek Tributary, Little Turkey Creek Tributary, North Fork Turkey Creek, Sixmile Branch, Stock Creek, or Williams Creek, although it was evident from field observation during this study period that overbank flooding does occur frequently along each stream.

2.4 Flood Protection Measures

The TVA system of upstream tributary and mainstream dams provide a large measure of flood protection along the Tennessee River. The interstate constructions at Sharps Gap (Second Creek) and Middlebrook Pike (Third Creek) incorporated channel realignment and improvement.

Following the 1982 flood, the City of Knoxville extended its channel improvement project on First Creek from the Broadway Shopping Center at mile 3.0 upstream to approximately mile 4.0 between the Atlantic Avenue and Broadway bridges. In addition, obstruction and building removal projects have taken place in the new greenway area above Interstate 40, at Broadway Shopping Center, and in the vicinity of Maple and Fair Drives in Fountain City. All have served to reduce repeated flood damages on First Creek. Extension of the channel improvements, bridge replacements, and possible detention structures were proposed in 1999 for upper First Creek (Ogden Environmental and Energy Services, July 1998; Ogden Environmental and Energy Services, May 1999).

The portion of Second Creek through the Expo 82 site, from just downstream of Main Avenue (mile 0.27) to the exit of the tunnel under the Louisville and Nashville Railroad (mile 0.49) has been relocated into a buried 12' x 12' box culvert. The culvert is completed and will carry the 100-year flood without overflow.

With almost 20 additional years of discharge record at Douglas Dam, French Broad River peak discharges were reviewed and it was determined that revision of discharge values was not warranted. Small changes compared with values in the 1982 Knox County effective FIS resulted from a more precise redistribution of discharges that better reflected discharge contributions of local confluent streams. (TVA, May 2001).

For Murphy Creek downstream of Murphy Road, Swanpond Creek downstream of Huckleberry Springs Road and Hickory Creek downstream of Campbell Street, flood discharges were determined using regional relationships developed by TVA (TVA, May 1978). For the upstream reaches of these streams, the USGS rural basin regression equations were used (USGS, 1993).

Flood discharges for Burnett Creek, Tributary No. 1 to First Creek, Tributary No. 2 to First Creek, Tributary No. 1 to Fourth Creek, Tributary No. 3 to Fourth Creek, Little Turkey Creek, Tributary to Little Turkey Creek, Tributary to Love Creek, Sixmile Branch, Whites Creek and Williams Creek were determined using regression equations developed by the USGS for urbanized streams. The equations presented in USGS Water Supply Paper 2207, "Flood Characteristics of Urban Watersheds in the United States," are as follows:

<u>Recurrence Interval</u>	<u>Urban Discharge (cfs)</u>
10-year	$UQ_{10} = 9.51 \times A^{0.16} \times (13-BDF)^{-0.36} \times RQ_2^{0.79}$
50-year	$UQ_{50} = 8.04 \times A^{0.15} \times (13-BDF)^{-0.32} \times RQ_2^{0.81}$
100-year	$UQ_{100} = 7.70 \times A^{0.15} \times (13-BDF)^{-0.32} \times RQ_2^{0.82}$
500-year	$UQ_{500} = 7.47 \times A^{0.16} \times (13-BDF)^{-0.30} \times RQ_2^{0.82}$

Where: UQ = urbanized discharge

A = drainage area

BDF = basin development factor

RQ = rural discharge

BDF values for these watersheds were developed by inspection using USGS methodology (USGS, 1993). For Flat Creek, Little Flat Creek, Hines Creek, Knob Creek, Roseberry Creek, and Stock Creek flood discharges were developed using regression equations from USGS Water Resources Investigations Report 92-4165, "Flood Frequency of Streams in Rural Basins in Tennessee" (USGS, 1974).

<u>Recurrence Interval</u>	<u>Urban Discharge (cfs)</u>
10-year	$Q_{10} = 259 \times A^{0.727}$
50-year	$Q_{50} = 413 \times A^{0.711}$
100-year	$Q_{100} = 493 \times A^{0.703}$
500-year	$Q_{500} = 673 \times A^{0.694}$

Peak discharges for Ten Mile Creek and its tributaries were obtained from the existing condition HEC-1 models. Flow change points were determined based on the relative locations of HEC-1 operations and HEC-RAS cross-section locations. Cross-section river miles in HEC-RAS were associated with appropriate HEC-1 operations. Similarly, peak discharges for Beaver Creek and its tributaries were obtained from existing condition HEC-1 models. Flow change points were determined based on the relative locations of HEC-1 operations and HEC-RAS cross-section locations.

A summary of the drainage area-peak discharge relationships for the streams studied by detailed methods is shown in Table 9, "Summary of Discharges."

TABLE 9 – SUMMARY OF DISCHARGES

<u>Flooding Source and Location</u>	<u>Drainage Area (sq. miles)</u>	<u>Peak Discharges (cubic feet per second)</u>			
		<u>10% Annual- Chance</u>	<u>2% Annual- Chance</u>	<u>1% Annual- Chance</u>	<u>0.2% Annual- Chance</u>
BERRY BRANCH	2.25	470	*	870	1,180
BEAVER CREEK					
At mouth	85.63	3,810	*	7,190	9,830
At Pellissippi Parkway	81.49	3,840	*	7,230	9,910
At Oak Ridge Highway	68.96	3,910	*	7,370	10,140
At Clinton Highway	52.43	4,060	*	7,600	10,440
At Brickyard Road	48.66	4,120	*	7,680	10,450
At Central Avenue Pike	39.34	4,010	*	7,500	10,190
At Interstate 75	38.71	4,010	*	7,500	10,180
At Dry Gap Pike	33.87	3,940	*	7,400	9,970
At Maynardville Pike	21.25	3,230	*	6,570	9,090
At Brown Gap Road	10.13	2,560	*	4,965	6,720
At Beeler Road	4.84	1,820	*	3,360	4,340
At Fairview Road	1.59	690	*	1,240	1,620
BRICE BRANCH	1.70	380	*	720	970
BULLRUN CREEK					
At Knox County Line	88.00	8,900	13,900	16,500	25,900
At Knox County Line	53.60	6,460	11,600	14,500	22,800
BURNETT CREEK					
At mouth	3.62	751	1,142	1,342	1,770
At Fordtown Road	2.78	636	966	1,135	1,495
At East Governor John Sevier Highway	2.45	550	834	982	1,291
Below Sixmile Branch	1.96	514	778	915	1,202

<u>Flooding Source and Location</u>	Drainage Area (sq. miles)	Peak Discharges (cubic feet per second)			
		10% <u>Annual-Chance</u>	2% <u>Annual-Chance</u>	1% <u>Annual-Chance</u>	0.2% <u>Annual-Chance</u>
TRIBUTARY TO GRASSY CREEK					
At mouth	*	640	*	1,140	1,430
At mile 0.5	*	470	*	820	1,030
At mile 1.0	*	150	*	260	330
TRIBUTARY TO HINES CREEK					
At mouth	*	260	*	500	680
TRIBUTARY TO TURKEY CREEK					
At mouth	1.68	330	520	610	840
At Gilbert Drive	0.44	110	180	210	290
TUCKAHOE CREEK					
At mouth	27.92	2,910	*	5,120	6,750
At Smith School Road	26.73	2,820	*	4,970	6,550
At mile 3.0	26.18	2,780	*	4,890	6,460
At Midway Road	18.53	2,160	*	3,840	5,080
At mile 4.8	17.94	2,110	*	3,750	4,970
At Russell Road	16.60	2,000	*	3,550	4,710
	15.79	1,930	*	3,430	4,550
WEST HILLS TRIBUTARY					
At mouth	1.45	850	*	1,700	2,160
At Walker Springs Road	1.12	660	*	1,300	1,640
At Corteland Drive	0.41	290	*	520	640
WHITES CREEK					
At mouth	6.5	1,239	1,858	2,187	2,882
At railroad below Greenway Drive	5.39	1,075	1,614	1,900	2,503
Above McCampbell Road	4.23	760	1,181	1,393	1,866
At Clearbrook Drive	4.00	739	1,152	1,359	1,823
WILLIAMS CREEK					
At mouth	2.88	666	1,010	1,187	1,561
At Brooks Avenue	1.58	467	703	827	1,081
At Louise Street	0.44	183	279	328	427

<u>Flooding Source and Location</u>	Drainage Area (sq. miles)	Peak Discharges (cubic feet per second)			
		10% <u>Annual-Chance</u>	2% <u>Annual-Chance</u>	1% <u>Annual-Chance</u>	0.2% <u>Annual-Chance</u>
WILLOW FORK					
At mouth	5.82	1,300	*	2,640	3,490
At Quarry Road	2.29	590	*	1,090	1,320
At Brackett Road	1.52	430	*	965	1,340

* Data not available

3.2 Hydraulic Analyses

Analyses of the hydraulic characteristics of flooding from the sources studied were carried out to provide estimates of the elevations of floods of the selected recurrence intervals. Users should be aware that flood elevations shown on the FIRM represent rounded whole-foot elevations and may not exactly reflect the elevations shown on the Flood Profiles or in the Floodway Data tables in the FIS report. For construction and/or floodplain management purposes, users are encouraged to use the flood elevation data presented in this FIS in conjunction with the data shown on the FIRM.

Precountywide Analyses

Water-surface elevations of floods on Bullrun Creek, East Fork Third Creek, Fourth Creek, Goose Creek, Holston River, Love Creek, Second Creek, Third Creek, Tributary to Goose Creek and Tributary to Turkey Creek were computed through use of USACE HEC-2N backwater program (USACE, 1980). Cross sections for the flooding sources studied in detail were field surveyed at bridges and other strategic locations and supplemented with valley cross sections taken by photogrammetric methods at sufficiently close intervals to accurately compute water-surface elevations.

Starting elevations for Bullrun Creek were based on average elevations from the Melton Hill Reservoir. The Holston River was started using flood elevations from the Tennessee River. Starting elevations for Fourth, Third, and Goose Creeks were based on average elevations from Fort Loudon Reservoir. Starting elevations for East Fork Third Creek and Tributary to Goose Creek were calculated using the slope/area method. Critical depth was used for starting elevations on Second Creek. Elevations for the lower reaches of Fourth, Second, and Third Creeks were adjusted for joint probability.

Countywide Analysis

For all streams in this countywide study, water-surface elevations of floods of the selected recurrence intervals were computed using the USACE HEC-RAS model version 2.2 (USACE, 1998). For Fourth Creek, the French Broad River, Roseberry Creek, Whites Creek and all or portions of the restudied reaches of First Creek, Little Turkey Creek, North Fork Turkey Creek, Stock Creek, Tributary No. 1 to Fourth Creek, and Turkey Creek, flood models developed with the USACE HEC-2 (USACE, 1980) step-backwater program were imported into HEC-RAS and additional adjustments were made to ensure proper transfer of data between programs. Separate HEC-RAS models were developed for each stream utilizing stream channel and hydraulic structure surveys, topographic

mapping of the watershed provided by KGIS, and field investigation of the streams. All elevations reported are referenced to NAVD 88. Cross-section river miles in HEC-RAS were associated with appropriate HEC-1 operations.

Cross sections and the geometries of bridges, dams, weirs, and other hydraulic structures were obtained from field surveys. Where applicable, geometries of some structures completed following the surveys were obtained from construction plans. For restudied streams new field surveyed cross sections and geometries were supplemented with land or aerial surveyed data from past studies where it was determined from field inspection that no hydraulically significant changes had occurred. KGIS topographic and planimetric data was used to delineate floodplains and supplement surveyed cross-section information. Floodplain cross-sections and bridge geometry were field surveyed to provide data for detailed hydraulic calculations.

In 1997, TVA formally reviewed and revised flood elevations and discharges for the Tennessee River in Fort Loudoun Reservoir. The revisions resulted from reevaluation of flow distribution at the confluence of the French Broad and Holston Rivers based on additional years of record, refined calibration of profiles to the 1973 flood, and reevaluation of starting elevations at the dam based on flood operation experience. Revised peak discharge estimates and Fort Loudoun Dam starting elevations are compared in Table 10 below (TVA, November 1997).

TABLE 10- COMPARISON OF EFFECTIVE AND REVISED ELEVATIONS AND DISCHARGES

Effective FIS November 1982	<u>Peak Discharges (cfs) or Starting Elevation (feet NAVD)</u>			
	<u>10-year</u>	<u>50-year</u>	<u>100-year</u>	<u>500-year</u>
Tennessee River Reach				
Confluence mile 652.04 to Little River mile 635.54	63,000	95,000	110,000	168,000
Little River mile 635.54 to Fort Loudoun Dam mile 602.28	75,000	108,000	122,000	180,000
At face of Fort Loudoun Dam mile 602.28	814.8	815.0	815.0	815.0
Countywide FIS	<u>Peak Discharges (cfs) or Starting Elevation (feet NAVD)</u>			
	<u>10-year</u>	<u>50-year</u>	<u>100-year</u>	<u>500-year</u>
Tennessee River Reach				

TABLE 11 - PREDICTED FREQUENCY STAGES AT THE EBENEZER CAVE SINKHOLE

<u>Source</u>	<u>10-year</u>	<u>100-year</u>	<u>500-year</u>
Effective FIS (TVA, 1982)	864.8	874.3	878.2
USACE HEC-1 (1992)	870.6	879.4	886.9
Ogden HEC-1 (1999)	868.8	876.3	880.1

*Note: All elevations are NAVD 88

For the remaining streams, starting elevations are calculated from slope/area calculations using the slope of the stream bed in the vicinity of the starting cross sections. Backwater from the receiving stream was not considered in determining starting elevations.

Channel roughness coefficients (Manning's "n") were determined by engineering judgment on the basis of field inspection of channel and floodplain areas, review of previous TVA studies, and calibration methods using known flood profiles where available. For restudied streams, all roughness coefficients from the existing flood models were updated to current conditions based on field inspection.

Roughness coefficients for all streams studied by detailed methods are shown in Table 12, "Ranges of Manning's "n" Values."

TABLE 12- RANGES OF MANNING'S "n" VALUES

<u>Stream</u>	<u>Channel "n"</u>	<u>Overbank "n"</u>
Beaver Creek	0.038 - 0.060	0.050 - 0.140
Berry Branch	0.040	0.070 - 0.080
Brice Branch	0.044	0.080 - 0.09
Bullrun Creek	0.023 - 0.079	0.050 - 0.150
Burnett Creek	0.045 - 0.065	0.065 - 0.120
Clift Creek	0.043 - 0.050	0.070 - 0.100
Conner Creek	0.040 - 0.050	0.070 - 0.090
Cox Creek	0.050 - 0.060	0.075 - 0.140
Echo Valley Tributary	0.040	0.080
First Creek	0.035 - 0.060	0.045 - 0.120
Flat Creek	0.040 - 0.065	0.040 - 0.120
Fourth Creek	0.035 - 0.080	0.045 - 0.150
French Broad River	0.030 - 0.041	0.060 - 0.130
Grassy Creek	0.045	0.080 - 0.120
Hickory Creek	0.045	0.070 - 0.100
Hines Branch	0.045	0.080 - 0.120
Hines Creek	0.045	0.090
Holston River	0.024 - 0.087	0.060 - 0.150
Kerns Branch	0.050 - 0.055	0.075 - 0.120
Knob Creek	0.043 - 0.045	0.075 - 0.110

Knob Fork	0.045 - 0.080	0.080 - 0.120
Limestone Creek	0.040 - 0.050	0.075 - 0.120
Little Flat Creek	0.050 - 0.065	0.065 - 0.120
Little Turkey Creek	0.045 - 0.080	0.055 - 0.150
Little Turkey Creek Tributary	0.045 - 0.065	0.050 - 0.120
Love Creek	0.030 - 0.050	0.070 - 0.150
Love Creek Tributary	0.035 - 0.060	0.045 - 0.100
Lyon Creek	0.040 - 0.048	0.070 - 0.100
Mill Branch	0.040 - 0.055	0.075 - 0.120
Murphy Creek	0.040 - 0.047	0.070 - 0.100
North Fork Beaver Creek	0.035 - 0.050	0.070 - 0.130
North Fork Turkey Creek	0.040 - 0.070	0.050 - 0.150
Plumb Creek	0.055 - 0.060	0.070 - 0.120
Roseberry Creek	0.045 - 0.055	0.050 - 0.150
Sinking Creek	0.040 - 0.043	0.080 - 0.110
Sinking Creek (Tributary to Ten Mile Creek)	0.015 - 0.050	0.070 - 0.120
Sixmile Branch	0.050 - 0.065	0.055 - 0.130
South Fork Beaver Creek	0.045 - 0.060	0.080 - 0.110
Stock Creek	0.045 - 0.065	0.055 - 0.140
Swanpond Creek	0.045 - 0.050	0.090 - 0.100
Ten Mile Creek	0.045 - 0.054	0.070 - 0.120
Tennessee River	0.021 - 0.055	0.060 - 0.150
Thompson School Tributary	0.055 - 0.060	0.080 - 0.090
Tributary to Cox Creek	0.050	0.075 - 0.095
Tributary No. 1 to First Creek	0.060 - 0.070	0.070 - 0.090
Tributary No. 2 to First Creek	0.065	0.075 - 0.120
Tributary No. 1 to Fourth Creek	0.045 - 0.060	0.050 - 0.150
Tributary No. 1 to Fourth Creek	0.045 - 0.060	0.035 - 0.120
Tributary to Grassy Creek	0.044	0.070 - 0.120
Tributary to Turkey Creek	0.030 - 0.041	0.054 - 0.080
Tuckahoe Creek	0.043 - 0.050	0.070 - 0.110
Turkey Creek	0.050	0.080 - 0.100
West Hills Tributary	0.050	0.075 - 0.100
Whites Creek	0.045 - 0.050	0.075 - 0.080
Williams Creek	0.045 - 0.065	0.050 - 0.150
Willow Fork	0.040 - 0.055	0.070 - 0.130

Channel roughness factors for East Fork Third Creek, Goose Creek, Second Creek, Third Creek, and Tributary to Goose Creek were determined on the basis of field inspection of channel floodplain areas, on previous studies by TVA, and computed coefficients based on known flood profiles.

FLOODING SOURCE		FLOODWAY			BASE FLOOD WATER-SURFACE ELEVATION (FEET NAVD)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
Whites Creek								
A	1,136	74	479	4.5	957.2	953.5 ²	953.5	0.0
B	2,224	80	554	3.9	957.2	956.1 ²	956.1	0.0
C	2,884	80	509	4.2	958.0	958.0	958.1	0.1
D	3,512	145	1,072	3.1	958.9	958.9	959.7	0.8
E	3,850	230	1,674	1.3	959.0	959.0	959.8	0.8
F	4,841	79	537	6.0	959.6	959.6	960.5	0.9
G	6,221	120	901	2.3	963.4	963.4	963.9	0.5
H	7,071	140	1,006	2.1	964.1	964.1	964.7	0.6
I	7,890	195	1,221	1.7	964.4	964.4	965.2	0.8
J	8,640	106	641	4.5	964.8	964.8	965.8	1.0
K	9,013	70	603	5.4	967.5	967.5	968.0	0.5
L	9,460	112	1006	2.2	968.7	968.7	969.5	0.8
M	9,693	90	499	3.7	968.8	968.8	969.5	0.7
N	10,143	170	906	3.9	969.2	969.2	970.2	1.0
O	10,377	120	1,190	1.5	969.6	969.6	970.6	1.0
P	10,857	270	2,371	0.7	969.8	969.8	970.8	1.0
Q	12,287	250	1,699	1.0	970.0	970.0	971.0	1.0
R	13,437	300	1,882	0.8	970.3	970.3	971.3	1.0
S	15,030	90	544	2.9	971.1	971.1	972.1	1.0
T	16,264	114	488	4.5	971.8	971.8	972.8	1.0
U	16,822	50	332	4.1	973.8	973.8	974.6	0.8
V	18,486	230	923	1.5	974.4	974.4	975.4	1.0
W	18,998	172	583	2.3	975.1	975.1	976.0	0.9
X	19,927	173	699	2.0	979.7	979.7	980.5	0.8
Y	21,209	67	347	3.9	983.9	983.9	984.6	0.7
Z	23,015	82	445	3.1	988.8	988.8	989.7	0.9

¹Feet above confluence with First Creek

²Elevation computed without consideration of backwater effects from First Creek

TABLE 14

FEDERAL EMERGENCY MANAGEMENT AGENCY

KNOX COUNTY, TN
AND INCORPORATED AREAS

FLOODWAY DATA

WHITES CREEK

Near the mouths of streams studied in detail, floodway computations are made without regard to flood elevations on the receiving water body. Therefore, "Without Floodway" elevations presented in Table 14 for certain downstream cross sections of Beaver Creek, Brice Branch, Burnett Creek, Cliff Creek, Cox Creek, Echo Valley Tributary, First Creek, Flat Creek, Fourth Creek, Goose Creek, Grassy Creek, Hines Branch, Hines Creek, Kerns Branch, Knob Creek, Knobb Fork, Limestone Creek, Little Flat Creek, Little River, Little Turkey Creek, Lyon Creek, Mill Branch, North Fork Beaver Creek, Plumb Creek, Roseberry Creek, Sinking Creek (Tributary to Ten Mile Creek), South Fork Beaver Creek, Swanpond Creek, Third Creek, Thompson School Tributary, Tributary to Love Creek, Tributary No. 1 to First Creek, Tributary No. 3 to Fourth Creek, Tributary to Cox Creek, Tributary to Grassy Creek, Tributary to Turkey Creek, Turkey Creek, West Hills Tributary, Whites Creek, Williams Creek, and Willow Fork are lower than the regulatory flood elevations in that area, which must take into account the 100-year flooding due to backwater from other sources.

The area between the floodway and the boundary of the 1-percent annual chance flood is termed the floodway fringe. The floodway fringe thus encompasses the portion of the flood plain that could be completely obstructed without increasing the water-surface elevation of the 1-percent annual chance flood more than 1.0 foot at any point. Typical relationships between the floodway and the floodway fringe and their significance to flood plain development are shown in Figure 1.

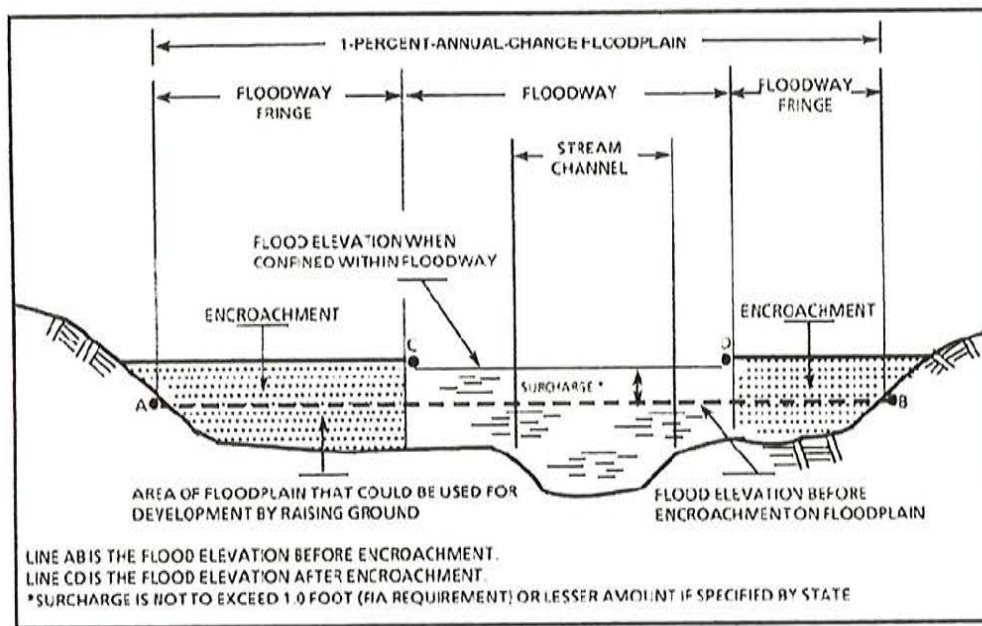


Figure 1 - Floodway Schematic

5.0 INSURANCE APPLICATIONS

For flood insurance rating purposes, flood insurance zone designations are assigned to a community based on the results of the engineering analyses. The zones are as follows:

Zone VE

Zone VE is the flood insurance rate zone that corresponds to the 1-percent annual chance coastal floodplains that have additional hazards associated with storm waves. Whole-foot base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone.

Zone X

Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2-percent annual chance floodplain, areas within the 0.2-percent annual chance floodplain, and areas of 1-percent annual chance flooding where average depths are less than 1 foot, areas of 1-percent annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1-percent annual chance flood by levees. No base flood elevations or depths are shown within this zone.

Zone D

Zone D is the flood insurance rate zone that corresponds to unstudied areas where flood hazards are undetermined, but possible.

6.0 **FLOOD INSURANCE RATE MAP**

The FIRM is designed for flood insurance and floodplain management applications.

For flood insurance applications, the map designates flood insurance rate zones as described in Section 5.0 and, in the 1-percent-annual-chance floodplains that were studied by detailed methods, shows selected whole-foot base flood elevations or average depths. Insurance agents use the zones and base flood elevations in conjunction with information on structures and their contents to assign premium rates for flood insurance policies.

For floodplain management applications, the map shows by tints, screens, and symbols, the 1- and 0.2-percent-annual-chance floodplains. On selected FIRM panels, floodways and the locations of selected cross sections used in the hydraulic analyses and floodway computations are shown where applicable.

7.0 **OTHER STUDIES**

Information pertaining to revised and unrevised flood hazards for each jurisdiction within Knox County has been compiled into this FIS. This includes the reports "Beaver Creek Watershed Flood Study" and "Ten Mile Creek Flood Study" (both Ogden, 2000) prepared for Knox County. Therefore, this FIS supersedes all previously printed FIS reports, FIRMs, and/or FBFMs for all of the incorporated and unincorporated jurisdictions within Knox County.

This is a multi-volume FIS. Each volume may be revised separately, in which case it supersedes the previously printed volume. Users should refer to the Table of Contents in Volume 1 for the current effective date of each volume; volumes bearing these dates contain the most up-to-date flood hazard data.

Zone VE

Zone VE is the flood insurance rate zone that corresponds to the 1-percent annual chance coastal floodplains that have additional hazards associated with storm waves. Whole-foot base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone.

Zone X

Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2-percent annual chance floodplain, areas within the 0.2-percent annual chance floodplain, and areas of 1-percent annual chance flooding where average depths are less than 1 foot, areas of 1-percent annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1-percent annual chance flood by levees. No base flood elevations or depths are shown within this zone.

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Table 8-1
List of Watersheds Within the City of Knoxville

Watershed Name	City Watershed ID #	USGS Hydrologic Code (with 0601 prefix)	The combined 1998/2000/2002 listings of 303(d) impaired streams for TMDLs (Total Maximum Daily Loads)									
			-----	Flow Alterations	Habitat Alterations	Low Dissolved Oxygen	Metals	Nutrients	Organic Enrichment	Pathogens	Priority Organics	Siltation
Ft. Loudoun Lake (Tennessee River)	0	020 1	PCBs								✓	
First Creek	1		TMDL-1		✓			✓		✓		✓
Second Creek	2		TMDL-1		✓		✓	✓		✓		✓
Third Creek	3		TMDL-1		✓			✓		✓		✓
Fourth Creek	4		TMDL-2		✓					✓		
Goose Creek	5		TMDL-1		✓					✓	✓	✓
Baker Creek	6		TMDL-2		✓					✓		
Williams Creek	7		TMDL-2		✓					✓		
Knob Creek	8											
Toll Creek	9											
Ten Mile Creek	10											
Whites Creek	11		(TMDL-1)		✓			✓		✓		✓
Turkey Creek	12							✓		✓		✓
East Fork	13		(TMDL-1)		✓			✓		✓		✓
Spring Creek	15											
DeArmond Spring Br.	16											
Sinking Creek	18	010								✓		
French Broad River	30			✓		✓		✓	✓			
Holston River	50	010 4			✓							✓
Swanpond Creek	51				✓							✓
Inman Branch	52											
Love Creek	53				✓							✓
Woods Creek	54	020 7										
<Clinch River>	70											
Beaver Creek	71				✓					✓		✓
Grassy Creek	77											✓
Knob Fork	79	020 1			✓							✓
Little River	90					✓		✓	✓		✓	✓
Stock Creek	91				✓	✓		✓	✓	✓	✓	✓
McClure Creek	99											

8.6 Total Maximum Daily Load (TMDL)

Zoning Ordinance for Knox County, Tennessee

As Amended through

February 25, 2019

**MUNICODE DOWNLOAD
JUNE 30, 2019**

**KNOXVILLE-KNOX COUNTY PLANNING
Suite 403, City County Building
400 Main Street • Knoxville, Tennessee 37902
(865) 215-2500 • (FAX) 215-2068
www.knoxplanning.org**

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5.70. - F Floodway Zone.

5.70.01. *General description.* The F, Floodway Zones, are established for the purpose of meeting the needs of the streams to carry floodwaters of a five hundred (500) year frequency flood and protecting the river, creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.

5.70.02. *Uses permitted.* The following open-type uses are permitted in the F, Floodway Zones, subject to approval of the county engineer and to such conditions the county engineer may specify to protect the public interest.

A. *Adjacent to agricultural, residential, and estate zones.*

1. Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing and other agricultural uses which are of the same or a closely similar nature.
2. Railroads, streets, bridges, and public utility wire and pipe lines for transmission and local distribution purposes.
3. Public parks and playgrounds, and outdoor private clubs including but not limited to country clubs, swimming clubs and tennis clubs, provided that no principal building is located in the floodway.
4. Recreational camp, campgrounds, and camp trailer parks, provided that restroom facilities shall be located and constructed in accordance with the health department requirements.
5. Commercial excavation of natural materials and improvements of a stream channel.
6. Yard sales and rummage sales.

B. *Adjacent to commercial and shopping center zones.*

1. Any of the above permitted uses.
2. Archery range, drive-in theaters, miniature golf courses, and golf driving ranges.
3. Loading and unloading areas, parking lots, used car lots.

C. *Adjacent to an industrial zone.*

1. Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing, and other agricultural uses which are of the same or closely similar nature.
2. Storage yards for equipment and material not subject to major damage by flood, provided such use is accessory to a use permitted in an adjoining district.
3. Parking lots.
4. Railroads, streets, bridges, and utility lines.
5. Yard sales and rummage sales.

5.70.03. *Uses permitted on review.*

- A. Marinas and boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.
- B. Accessory uses similar to those permitted in the adjoining zones.

5.70.04. *County engineer approval.*

- A. No permit shall be issued for the construction of any building or structure including railroads, streets, bridges, and utility lines or for any use within a F, Floodway Zone, until the plans for such construction or use have been submitted to the county engineer and approval is given in writing for such construction or use.

- B. In the review of plans submitted, the county engineer shall be guided by the following standards, keeping in mind that the purpose of this zone is to prevent encroachment into the floodway which will increase flood heights and endanger life and property.
1. Any structures or filling of land permitted shall be of a type not appreciably damaged by floodwaters, provided no structures for human habitation shall be permitted.
 2. Any use permitted shall be in harmony with and not detrimental to the uses permitted in the adjoining zone.
 3. Any permitted structures or the filling of land shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to and effect upon the flow of water.
 4. Any structure, equipment or material permitted shall be firmly anchored to prevent it from floating away and thus damaging other structures and threatening to restrict bridge openings and other restricted sections of the stream.
 5. Where in the opinion of the county engineer topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure or fill on the flow of water, the county engineer may require the applicant to submit such data or other studies prepared by competent engineers and other technical people.
 6. The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the county or by any officer or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto.

5.70.05. *Limited rezoning.* Property in an F, Floodway Zone, may be rezoned to any requested zoning classification; provided however, that such rezoning, if otherwise appropriate, shall be granted subject to all requirements, conditions and regulations relating to grading, filling, drainage and general site preparations established by and placed on said property by the metropolitan planning commission, the county engineer or the county commission. The resolution approving such limited rezoning shall become effective when the above mentioned conditions and requirements have been fully satisfied and written approval of same is transmitted from the executive director of the metropolitan planning commission to the supervisor of the county department of code administration and inspection. No building permits shall be issued for and no construction shall commence on any such rezoned property until all the conditions, requirements and regulations hereinabove mentioned have been fully and completely satisfied and the aforesaid written approval of the executive director of the metropolitan planning commission has been received by the supervisor of the county department of code administration and inspection.

5.70.06. *Off-street parking.* As regulated in section 3.50 of these regulations,

5.70.07. *Signs.* Signs as permitted by section 3.90 of this resolution.

(Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

5.13. - PR Planned Residential Zone.

5.13.01. *General description.* The regulations established in this zone are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.

Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

A planned unit development occupying not less than twenty (20) acres may contain commercial uses as hereinafter provided.

5.13.02. *Permitted uses.*

- A. The following dwelling units are permitted:
 - 1. Houses and attached houses, not including mobile homes.
 - 2. Duplexes.
 - 3. Multi-dwelling structures and developments.
- B. Accessory uses, buildings and structures.
- C. Commercial uses in a planned unit development occupying not less than twenty (20) acres only. Commercial uses shall include marinas and boat liveries, provided they meet the requirements of section 4.30, "Standards for marina and boat livery development," of these regulations. One (1) acre of commercial uses may be permitted for each one hundred (100) units in the project provided that twenty-five (25) percent of the total units proposed shall be ready for

occupancy prior to any commercial building permit being issued. Such commercial uses shall conform with the use and parking requirements of the Shopping Center Zone as regulated in section 5.34, "Shopping Center Zone (SC)," of these regulations.

- D. Recreation uses. Recreation uses may include a community center, a golf course, a swimming pool, or parks, playground or other public recreational uses. Any structures involved in such uses, including lighted tennis courts, and swimming pools, shall have a 35-foot set back from all periphery boundary lines. The amount of land set aside for usable open space and recreational use shall be not less than fifteen (15) percent of the gross development area for a planned unit development occupying twenty (20) or more acres or ten (10) percent for a planned unit development occupying more than eight (8) but less than twenty (20) acres.
- E. Education uses.
- F. Community facilities uses such as churches and other religious institutions and nonprofit clubs such as country clubs, swimming and/or tennis clubs.
- G. Other uses, deemed compatible with the proposed development by the planning commission, including home occupations subject to section 4.90, "Home occupations."
- H. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations", subsection 4.80.01.A, "Demolition landfills" (on site generated waste).
- I. Yard sales and rummage sales.
- J. Day care homes and group day care homes, if the provider lives on site, subject to the following conditions:

1. The total lot area shall not be less than ten thousand (10,000) square feet.
2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.
3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.
4. Off-street parking, as regulated in section 3.50, "Off-street parking." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

K. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.13.03. *Uses permitted on review.*

- A. Group day care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

- B. Assisted living facilities.
- C. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."
- D. Rural retreats, subject to standards of section 4.104.
- E. Public Safety Facilities, subject to the standards of section 4.107.

5.13.04. *Area regulations*. All buildings and structures shall be set back from street or road right-of-way lines and from the periphery of the project to comply with the following requirements.

5.13.05. *Front yard*.

- A. Houses, twenty (20) feet.
- B. All other as determined by the planning commission with the setback being increased in proportion to structure height, but not less than fifteen (15) feet from a street or road right-of-way.

5.13.06. *Periphery boundary*. All buildings shall be set back from the periphery boundary not less than thirty-five (35) feet unless adjacent to A, Agricultural, RA, Low Density Residential, RB, General Residential, RAE, Exclusive Residential, PR, Planned Residential, OS, Open Space, E, Estates, or TC, Town Center zone districts, where the planning commission may reduce this set back to not less than fifteen (15) feet.

5.13.07. *Side yard*.

- A. As determined by the planning commission but not greater than fifteen (15) feet unless this setback is also the periphery boundary.
- B. Where side yards are reduced to zero (0) the development site plans and restrictive covenants which provide for the privacy of such units and the right of maintenance of exterior walls facing

adjacent properties shall be submitted to the planning commission.

5.13.08. *Rear yard.*

- A. As determined by the planning commission but the planning commission may not require a setback greater than thirty-five (35) feet.

5.13.09. *Default minimum setbacks.* For situations when there are no building setbacks specified on approved development plans and when not controlled by a periphery boundary setback, the minimum setbacks for main structures will be as follows:

Front: Not less than twenty (20) feet.

Side: Not less than five (5) feet.

Rear: Not less than fifteen (15) feet.

Accessory structures, when not controlled by the periphery boundary setback, shall be subject to the minimum accessory structure setbacks of the RA, Low Density Residential zoning district.

5.13.10. *Lot area and size.*

- A. Developments which subdivide and transfer property with the sale of individual units but which do not provide common open space controlled and maintained by a public body or a duly established homeowners association shall provide lot areas which are not less than three thousand (3,000) square feet in size and which shall average four thousand (4,000) square feet per lot for the entire development.

B.

Developments which subdivide and transfer property with the sale of individual units and which provide common open space controlled and maintained by a duly established home owners association in accordance with state law shall be permitted to create lots less than three thousand (3,000) square feet in size subject to planning commission approval of a site plan, consistent with the intent as stated in the general description of this section.

5.13.11. *Maximum site coverage.*

- A. The maximum area which may be covered by buildings shall be fifty (50) percent of the gross acreage of the site.

5.13.12. *Height regulations.*

- A. Houses and duplexes shall not exceed three (3) stories.
- B. Height of all others shall be as determined by the planning commission.

5.13.13. *Population density.*

- A. The appropriate development density of each project shall be determined by the planning commission but shall not exceed twenty-four (24) dwelling units per acre excluding areas set aside for churches, schools, or commercial uses.

5.13.14. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

5.13.15. *Administrative procedure for a planned residential development.*

- A. The planning commission may recommend establishment of a PR, Planned Residential Zone or an application may be made to the planning commission for rezoning to PR, Planned Residential in accordance with the regulations set forth in section 6.30,

impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed.

4. Applications considered under the planned residential zoning must be filed by the property owner or their designated representative, by an appropriate governmental agency, or the county board of commissioners.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 1, 6-21-96; Ord. O-97-10-101B, § 1, 11-17-97; Ord. No. O-96-11-104, § 1, 3-23-98; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-05-6-103, § 1(Exh. A), 7-25-05; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-2-101, § 1(Exh. B), 3-28-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17; Ord. No. O-19-5-101, § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101, §§ 1, 2, 3-28-22)

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT

► **FILE #:** 3-D-18-RZ
 3-A-18-SP

AGENDA ITEM #: 24
AGENDA DATE: 3/8/2018

► **APPLICANT:** RANDY GUIGNARD
OWNER(S): Randy Guignard

TAX ID NUMBER: 59 002 & 00201 [View map on KGIS](#)

JURISDICTION: Commission District 2

STREET ADDRESS:

► **LOCATION:** Northeast side Beverly Rd., south of Oakland Dr.

► **TRACT INFORMATION:** 88.5 acres.

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Beverly Rd., a major collector street with 25' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

► **PRESENT PLAN DESIGNATION/ZONING:** AG (Agricultural), SLPA (Slope Protection Area) & STPA (Stream Protection Area) / RB (General Residential), I (Industrial) and F (Floodway)

► **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area) / PR (Planned Residential) & F (Floodway)

► **EXISTING LAND USE:** Vacant land

► **PROPOSED USE:** Residential development

DENSITY PROPOSED: 5 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, North: Railroad, Whites Creek, light industrial / LI, F / I-3 (General Industrial) and I (Industrial)

ZONING South: Vacant land, houses / MU-SD (NC-8), SLPA / RB (General Residential)

East: Vacant land / AG, SLPA / I (Industrial) and RB (General Residential)

West: Beverly Rd., residences / LDR, SLPA / R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of residential and light industrial uses under various zones, including RB, R-1, I and I-3.

STAFF RECOMMENDATION:

- **DENY the requested LDR (Low Density Residential), SLPA (Slope Protection), and STPA (Stream Protection) sector plan designation.**

Reasonable residential development may be permitted under the current agricultural sector plan designation, which allows consideration of PR zoning at a density of 1 du/ac or less. The steep slopes and floodway characteristics of the site make it unsuitable for a density of greater than 1 du/ac, therefore the sector plan amendment is not necessary. The requested PR zoning will allow the residential units to be clustered into the more developable portions of the site, in order to protect the floodway and the steep slopes.

- **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 1 du/ac. (Applicant requested 5 du/ac.)**

PR zoning at the recommended density will allow reasonable development of the site, consistent with the current sector plan proposal and surrounding development, and also consistent with the residential density guidelines of the Hillside and Ridgetop Protection Plan (HRPP). The extreme slopes of the property, with sparse and small developable areas, as well as the impact of the adjacent floodway, warrant the recommendation to a density not to exceed 1 du/ac, which would permit consideration of up to 61 dwelling units, based on the area of the property that is outside of the floodway.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No known improvements have been made recently to this section of Beverly Rd. Utilities are available in the area, but may need to be extended to serve the site. No infrastructure improvements have occurred that warrant the change to the sector plan map to LDR.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan proposes agricultural uses, with slope and stream protection, for the site, which is not consistent with the property's current I and RB zoning. This designation is appropriate for the site, because it limits residential development to no more than 1 du/ac of density. The slope and floodway limitations of the site make it unsuitable for development at a density exceeding 1 du/ac.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

Residential development is established to the west, within the City Limits of Knoxville. This area has been approved for various types of zoning and development. The current plan designation of AG will allow the applicant to get some reasonable use out of this property, which is considerably steep and will have some limitations because of the adjacent floodway.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

Low density residential uses have long been established to the west on the opposite side of Beverly Rd. from this site. The property is suitable for limited residential density that is allowable under the current AG sector plan designation.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The recommended zoning and density for the subject property are appropriate to allow reasonable use of the site, while remaining compatible with surrounding development and zoning, and consistent with the policies of the HRPP.

2. With application of the residential density and land disturbance guidelines from the HRPP, the maximum density should be limited to 2.61 du/ac. The slope analysis, map and calculations are attached. However, because of the nature of the slopes and the additional impact of the floodway, staff is recommending to limit

density to no more than 1 du/ac.

3. The PR zone requires use on review approval of a development plan by MPC prior to construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, lot layout, recreational amenities, drainage, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Additionally, the zoning states that each development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the Planning Commission by review of development plans. Staff maintains that PR is the most appropriate zone for this development.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. Staff's recommended zoning and density will be compatible with the scale and intensity of the surrounding development and zoning pattern.
2. Sidewalks may be required on at least one side of each street within the development, and possibly along the Beverly Rd. frontage.
3. The PR zoning district has provisions for preservation of open space and providing recreational amenities as part of the development plan. The applicant will be expected to demonstrate how these provisions are met as part of the required development plan review.
4. The requested PR zoning at a density of up to 5 du/ac would allow for a maximum of 307 dwelling units to be proposed for this site, which has a calculated area of 61.54 acres outside of the floodway that may be counted toward density calculations. That number of detached units, as requested, would add approximately 2909 vehicle trips per day to the street system and would add approximately 109 children under the age of 18 to the school system. The recommended PR zoning at a density of up to 1 du/ac would allow for a maximum of 61 dwelling units to be proposed for the site. That number of detached units would add approximately 658 vehicle trips per day to the street system and would add approximately 22 children under the age of 18 to the school system.
5. About two-thirds of the site is designated for SLPA (Slope Protection Area) on the sector plan (see attached sector plan map). Disturbance of the site (grading and removal of vegetation) for residential lot construction should be limited, to the greatest extent possible, to areas outside of the SLPA and away from the steepest portions of the site, as identified by the staff slope analysis. Best management practices, as identified in the HRPP, should be utilized to minimize the amount of clearing and grading that will be required for the development.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The current North City Sector Plan proposes agricultural uses, slope and stream protection for the site. The staff recommended zoning and density are consistent with current sector plan designation for the property. The current I and RB zoning on the property are not consistent with the sector plan.
2. The recommended zoning and density do not present any apparent conflicts with any other adopted plans.

Upon final approval of the rezoning, the developer will be required to submit a development plan for MPC consideration of use on review approval prior to the property's development. The plan will show the property's proposed development, landscaping and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

ESTIMATED TRAFFIC IMPACT: 2909 (average daily vehicle trips)

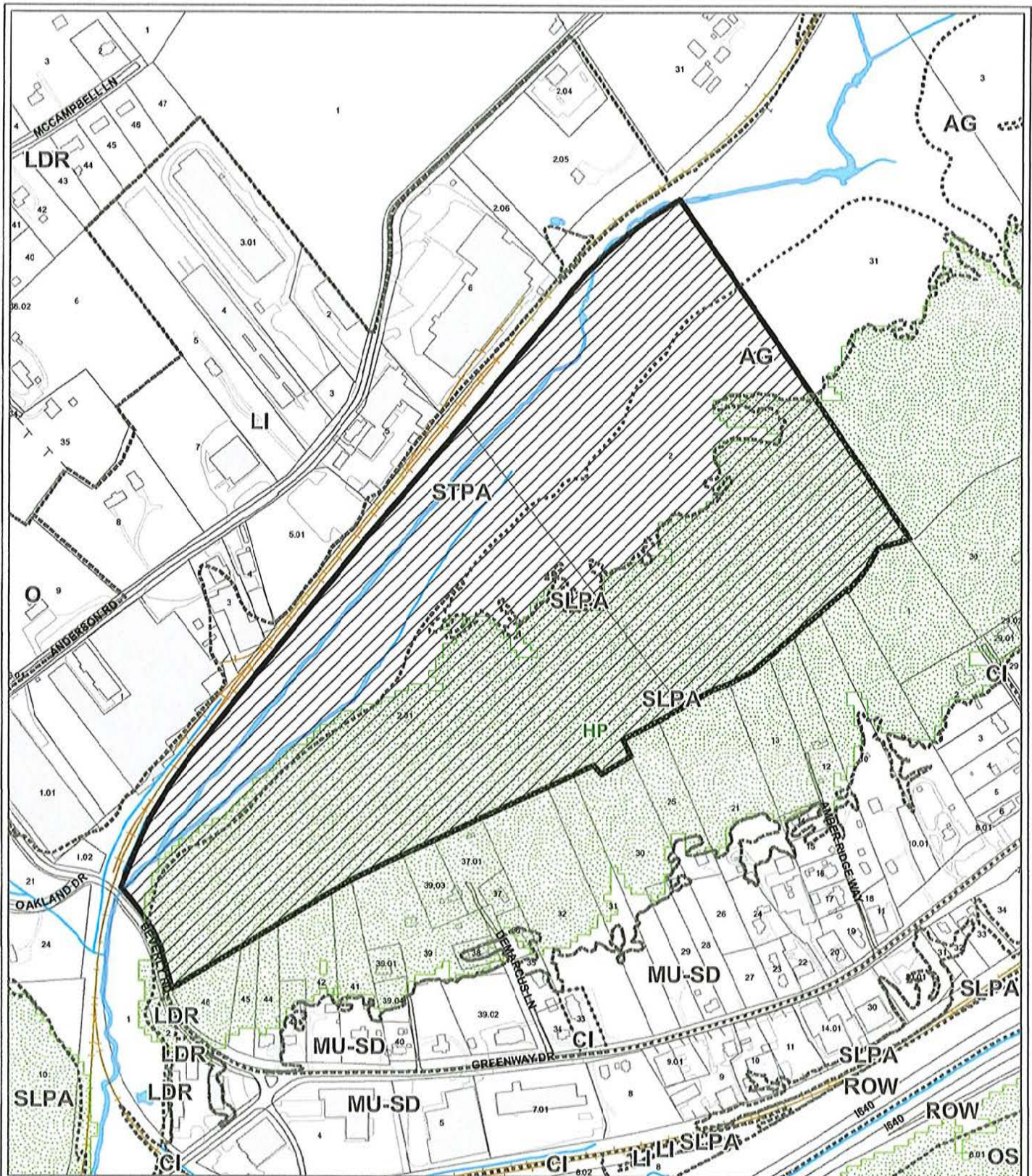
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 109 (public school children, ages 5-18 years)

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

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. 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.

If approved, this item will be forwarded to Knox County Commission for action on 4/23/2018. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**3-A-18-SP / 3-D-18-RZ
NORTH CITY SECTOR PLAN AMENDMENT**



From: AG (Agricultural), SLPA (Slope Protection Area) & STPA (Stream Protection Area)
To: LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area)

Original Print Date: 2/12/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

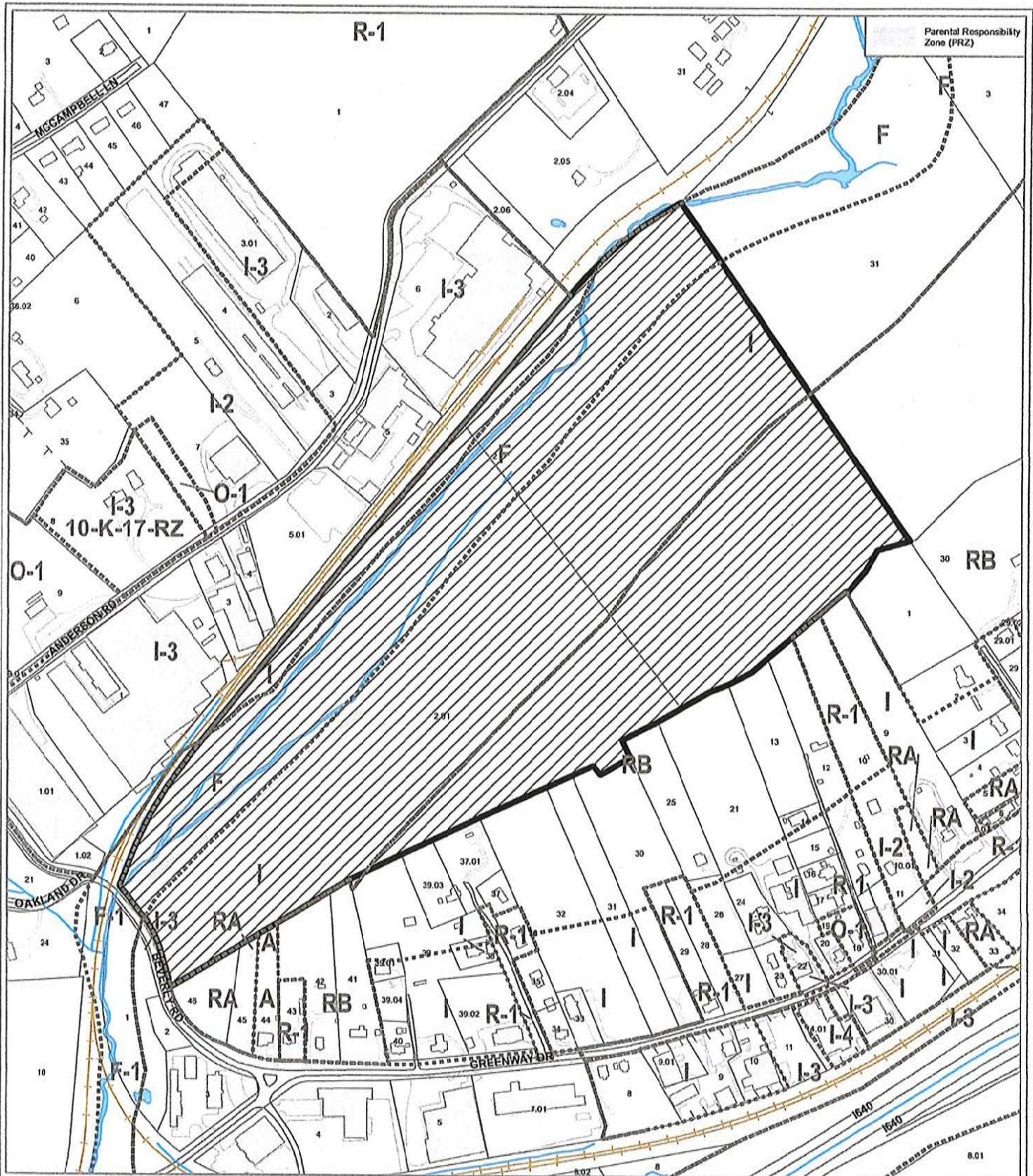
Petitioner: Guignard, Randy

Map No: 59

Jurisdiction: County

0 500
Feet





3-D-18-RZ REZONING



From: RB (General Residential), I (Industrial) and F (Floodway)

To: PR (Planned Residential) & F (Floodway)

Original Print Date: 2/12/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

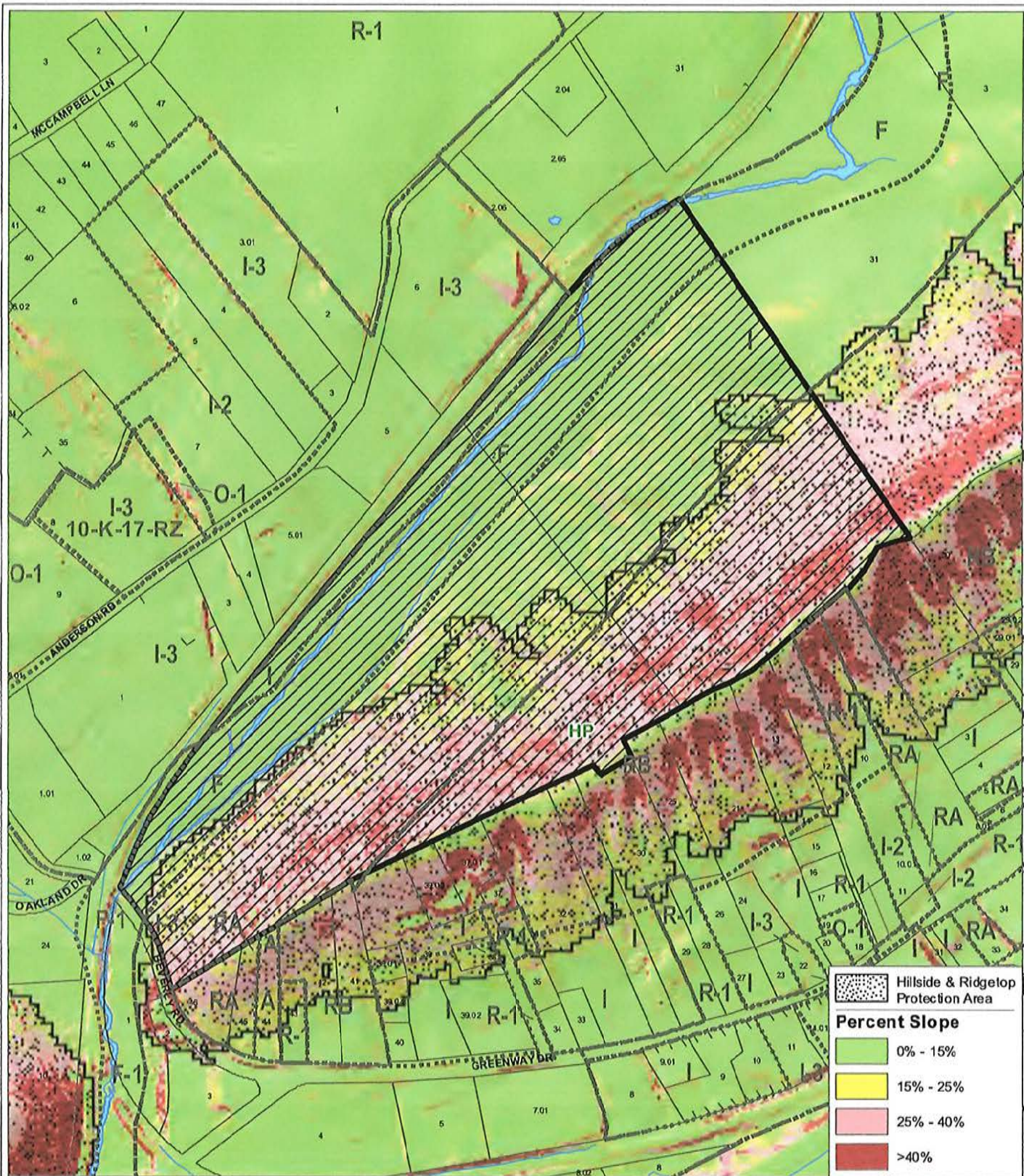
Petitioner: Guignard, Randy

Map No: 59

Jurisdiction: County

0 500
Feet





3-D-18-RZ REZONING - SLOPE ANALYSIS

From: RB (General Residential), I (Industrial) and F (Floodway)

To: PR (Planned Residential) & F (Floodway)



Original Print Date: 2/8/2018

Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Guignard, Randy

Map No: 59

Jurisdiction: County

0 500
Feet



3-D-18-RZ Slope Analysis

	Acreage
Non-Hillside Portions	21.96

Hillside and Ridgetop Protection Area

Value	Percent Slope	Count	Acres
1	0%-15%	4458	2.56
2	15%-25%	15041	8.63
3	25%-40%	38721	22.22
4	>40%	10750	6.17
			39.58

Ridgetop Area	0
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Floodway Area	18.85
(not counted towards overall PR density)	

Site Total	80.39
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Area counted towards density	61.54
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MPC STAFF - SLOPE / DENSITY ANALYSIS
3-D-18-RZ - Randy Guignard - RB & I to PR

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	21.96	5.00	109.8
0-15% Slope	2.56	5.00	12.8
15-25% Slope	8.63	2.00	17.3
25-40% Slope	22.22	0.50	11.1
Greater than 40% Slope	6.17	0.20	1.2
Ridgetops	0	5.00	0.0
Subtotal: Sloped Land	39.58		42.4
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	61.54	2.47	152.2
Proposed Density (Applicant)	61.54	5.00	307.7

From Hillside & Ridgetop Protection Plan, page 33

LOW DENSITY AND RURAL RESIDENTIAL USES

Density and Land Disturbance Guidelines

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

Table 3: Residential Density and Land Disturbance Guidelines for Recommendations on Changes to the Zoning Map and Development Plan/ Concept Plan Review within the Hillside and Ridgetop Protection Area that is within the Urban Growth and the Planned Growth Area

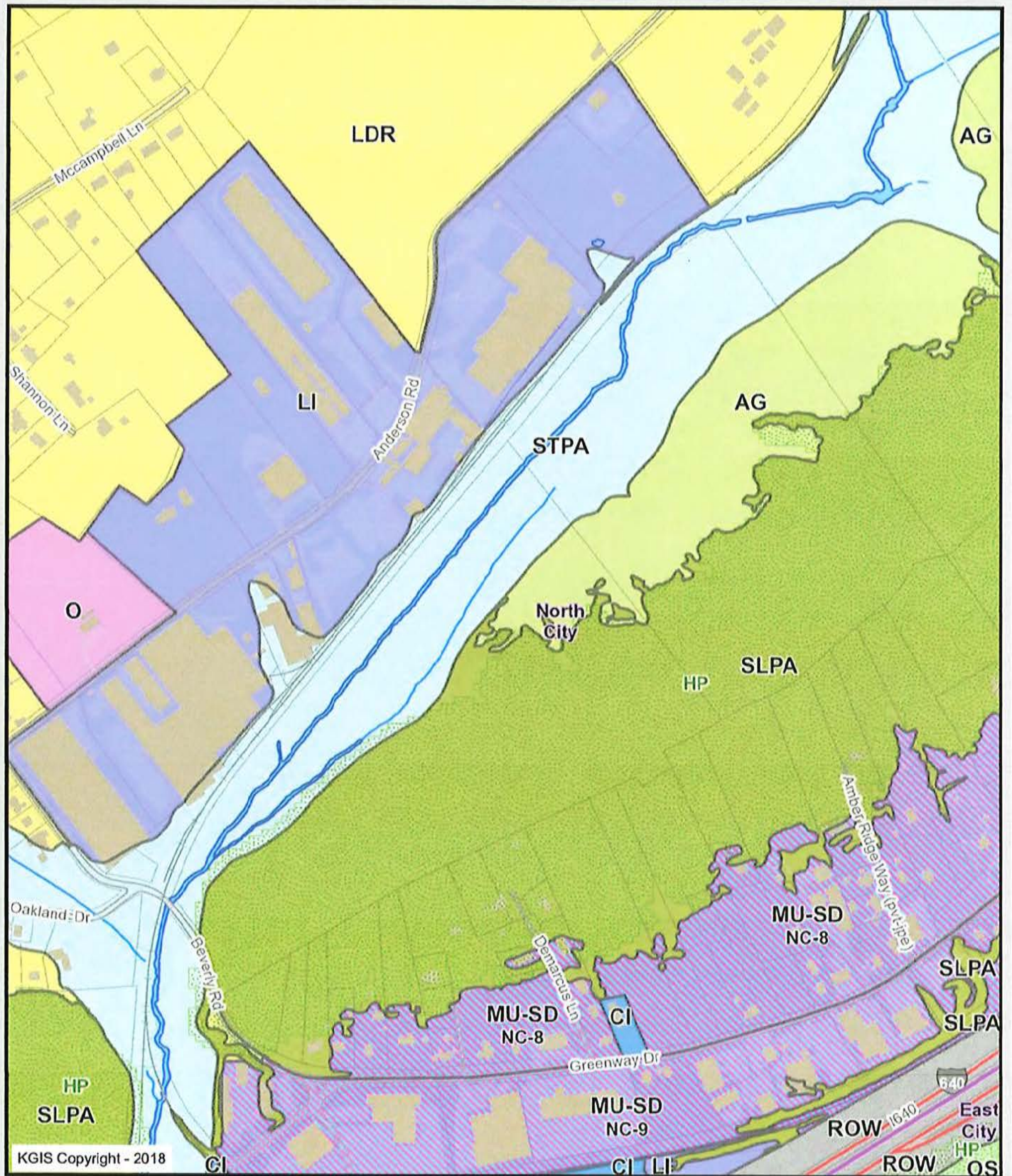
Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

dua: dwelling units per acre

* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.

** Until such time as regulations are codified by the appropriate legislative body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.

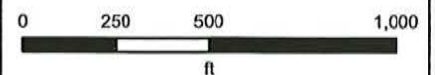
*** Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 – 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.



Letter Portrait

Printed: 3/1/2018 at 9:19:25 AM

Knoxville - Knox County - KUB Geographic Information System



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REZONING REPORT

► **FILE #:** 12-E-19-RZ

AGENDA ITEM #: 17

AGENDA DATE: 12/12/2019

► **APPLICANT:** RANDY GUIGNARD / CAFÉ INTERNATIONAL, LLC

OWNER(S): Randy Guignard

TAX ID NUMBER: 59 002 AND 59 00201

[View map on KGIS](#)

JURISDICTION: County Commission District 2

STREET ADDRESS: 0 Beverly Road and 0 New Beverly Baptist Church Road

► **LOCATION:** East side Beverly Road, east of the terminus of Washington Pike, north of I-640

► **APPX. SIZE OF TRACT:** 80.37 acres total

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Beverly Road is a major collector with a pavement width of 21 feet and a right-of-way width of 47.5 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

► **PRESENT ZONING:** I (Industrial), RB (General Residential), and F (Floodway)

► **ZONING REQUESTED:** PR (Planned Residential) and F (Floodway)

► **EXISTING LAND USE:** Vacant

► **PROPOSED USE:** 210 attached dwelling units

DENSITY PROPOSED: 3.5 du/ac

EXTENSION OF ZONE: No

HISTORY OF ZONING: The applicant requested rezoning to PR with 5 du/ac in March 2018. The Planning Commission recommended approval of PR zoning with up to 2.75 du/ac to the County Commission. The application was withdrawn before County Commission action.

SURROUNDING LAND USE AND ZONING: North: Industrial and Agricultural/Forestry/Vacant - I-3 (General Industrial District)

South: Single Family Residential, Rural Residential, Agricultural/Forestry/Vacant, and Industrial - RB (General Residential) and A (Agricultural)

East: Agricultural/Forestry/Vacant - RB (General Residential), I (General Industrial District) and F (Floodway District)

West: Agricultural/Forestry/Vacant - I-3 (General Industrial District) and F-1 (Floodway District)

NEIGHBORHOOD CONTEXT: The surrounding area contains a mix of industrial and residential uses in the midst of steep slopes and a creek with a floodway and associated floodplains. There are industrial uses and a railroad to the north. Single-family homes are northeast and south of this development. Properties adjacent to the south are a variety of sizes ranging from over an acre down

12-SC-22-C to 1/3 an acre. A shopping center and funeral home are also in the near vicinity.

STAFF RECOMMENDATION:

- Approve PR (Planned Residential) zoning with a density of 2.53 du/ac because it is consistent with the North City Sector Plan's LDR designation and because the proposed development meets the intent of PR zoning.

COMMENTS:

STAFF RECOMMENDATIONS:

Staff recommends the following measures to increase safety and preserve sensitive land on the steep slopes and along the creek.

1. Eliminate the two clusters of units closest to the entry (seven units total, 1-4 and 208-210).
2. Extend the boulevard to increase safety at the development entry in lieu of a second access point; the length of the boulevard will be determined during the development review process.
3. Grading of steep slopes shall be kept to a minimum per the Hillside and Ridgetop Protection Plan guidelines.
4. Development shall not occur in the floodplains or the floodway.
5. The Knoxville Parks and Recreation Department has requested a trail easement on the southern border of the property to encompass the proposed trails, which the department would like to connect to Adair Park and New Harvest Park via an east/west ridgeline trail at a future time. The exact location would be determined during the site plan review process.

DESCRIPTION OF PROPOSED DEVELOPMENT AND SITE:

1. This site contains land in a FEMA floodway and floodplains (500-year and 100-year) on the northern portion of the site and a steep slope in the Hillside and Ridgetop Protection Area on the southern portion.
2. If the rezoning is approved, this property as proposed would become a cluster development with 210 lots contained in the central portion of the site between the floodplains and the hillside (see Exhibit A Contextual Images). The development will leave the southeastern portion of the site largely undisturbed; the undisturbed area is planned to begin approximately 12 feet from the lots proposed on the concept plan.
3. The applicant is donating 16 acres of land in the floodplain to Legacy Parks, and a letter from Legacy Parks accepting the land was submitted as part of the application. The development will not encompass the FEMA floodway or floodplains and will leave these areas undisturbed.
4. As proposed, the development will provide a deep buffer of existing vegetation on the hill leading up to the single-family detached homes to the south.
5. There is a walking trail proposed for the perimeter of the remaining property.
6. As proposed, the lot lines are situated approximately 50 feet farther from the HP area on the southeastern side of the site than the previous site plan submitted in 2018.
7. The development will utilize permeable pavers for the internal roads

ADDITIONAL INFORMATION / NEIGHBORHOOD CONCERNS:

1. Staff has received documentation from neighbors regarding potential flooding. A date-stamped series of photographs (taken on February 23, 2019) was submitted to illustrate flooding in the area – it should be noted that this was a significant storm event that broke several records. However, it is staff's understanding that some degree of flooding does occur somewhat regularly. This assumption is based on the preliminary hydrology report by Dr. Smoot, also submitted as part of this documentation package.
2. Other stated concerns of residents concern the sight distance to the south and the size and condition of the bridge across Whites Creek, which does not have guard rails. The width of the bridge is such that it cannot accommodate two-directional travel when a tractor trailer truck is crossing; cars approaching from the opposite direction must wait for it to cross. To the south, the road has a sharp curve around a high ridge and has no shoulder, creating a possible safety concern with regard to the entry point of this development.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. There is an increased need for housing in the County. The proposed development would help to meet this need.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The Knox County Zoning Ordinance describes PR zoning as intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space

for recreation and provisions for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.

Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

2. The proposed development meets the criteria for PR zoning, which is aimed at fostering creative developments that preserve environmental features and incorporate creative design practices in their response to the unique demands of these sites.

3. However, rezonings should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

PR zoning would ensure some type of residential development would occur on this property regardless of whether this particular development moved forward.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. Floodway/floodplains:

- a. Leaving the floodway and floodplain areas undisturbed gives the water bodies room to spread out and slow down after a major rain event and can also preserve aesthetic views and natural habitats. Keeping structures and roads out of these areas helps protect new development from flooding, which is more likely to occur in a floodplain.
- b. The developer will need to work with Knox County's Stormwater Department and provide stormwater mitigation measures that meet the County's requirements and mitigate potential impacts of building so close to a floodplain.
- c. Utilizing permeable pavers for the roadways allows stormwater to penetrate into the soil and use the existing natural infiltration system. Using permeable surfaces lessens the impact of development on stormwater systems.

2. Traffic/Transportation:

- a. The County requires two access points for developments exceeding 150 lots. In instances where developments of this size have occurred without room for multiple access points, developments have featured boulevards at their entries to increase safety at the development entrance. This may be required during the development review process, and it is a staff recommendation to incorporate since this development will likely have over 150 lots and only one point of access.
- b. To maximize sight lines, the new development entry will be immediately south of where the existing entry is located. The speed limit on this stretch of road is 30 mph, so the required sight distance is 300 feet. Due to comments made by nearby residents, staff is concerned about safety with regard to the speed people may actually travel coming around that corner and those slowing down to turn into this development. A spot speed study may be required as part of the development review process.
- c. A level 1 traffic study is underway, the results of which are pending but should be utilized to inform the development plan.

3. Surrounding development and density:

- a. The proposed development yields a density of 2.61 du/ac (210 lots on 80.37 acres).
- b. Staff is recommending a maximum density of 2.53 du/ac (203 lots on 80.37 acres).
- c. Staff used the total acreage from both parcels in calculating the density. The 16 acres donated to Legacy Parks was not subtracted from the total acreage as that could be seen as a penalty for the land donation and staff does not want to deter future developments from donating land that could be beneficial to the community.
- d. The slope analysis resulted in a density of 2.47 du/ac, which would yield 152.2 du/ac
- e. The immediate surrounding development has developed as large-lot, detached, single-family residential uses. Attached housing and lots of this size are out of character for the area. However, since there is a significant amount of property to the north and south that are planned to be undisturbed, the natural vegetation will help shield the higher density of this development from view.

4. Cluster development benefits:

- a. Less land disturbance, so there are fewer environmental impacts.
- b. Utility infrastructure is concentrated, so there is less, which results in reduced energy consumption
- c. There is also less transportation-related infrastructure.
- d. Preservation of open space can protect scenic views.

5. Development plan review and compliance:

- a. PR zones require Planning Commission review of development plans via the use on review process to ensure compliance with zoning regulations and any conditions that may be attached to rezonings.
- b. PR zoning also ensures the Hillside and Ridgetop Protection Plan stipulations are met.

6. Proximity to utilities, schools, and amenities:

- a. Water and sewer are available for connections.
- b. Central High School is less than 2 miles away.
- c. Gresham Middle School is less than 3 miles away.
- d. Shannondale Elementary School is less than 2 miles away.

- e. There are also two private schools near Gresham Middle School (Garden Montessori school and Antioch Christian Academy).
- f. New Harvest Park is nearby.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The requested zoning is consistent with the sector plan's LDR designation, which allows PR zoning with up to 5 du/ac in the Urban Growth Areas of the County.
2. PR zoning review will ensure the Hillside and Ridgetop Protection Plan stipulations are met.
3. The development will not encompass the FEMA floodway or floodplains and will leave these areas undisturbed. The development will need to meet Knox County's stormwater requirements.

ESTIMATED TRAFFIC IMPACT: 1859 (average daily vehicle trips)

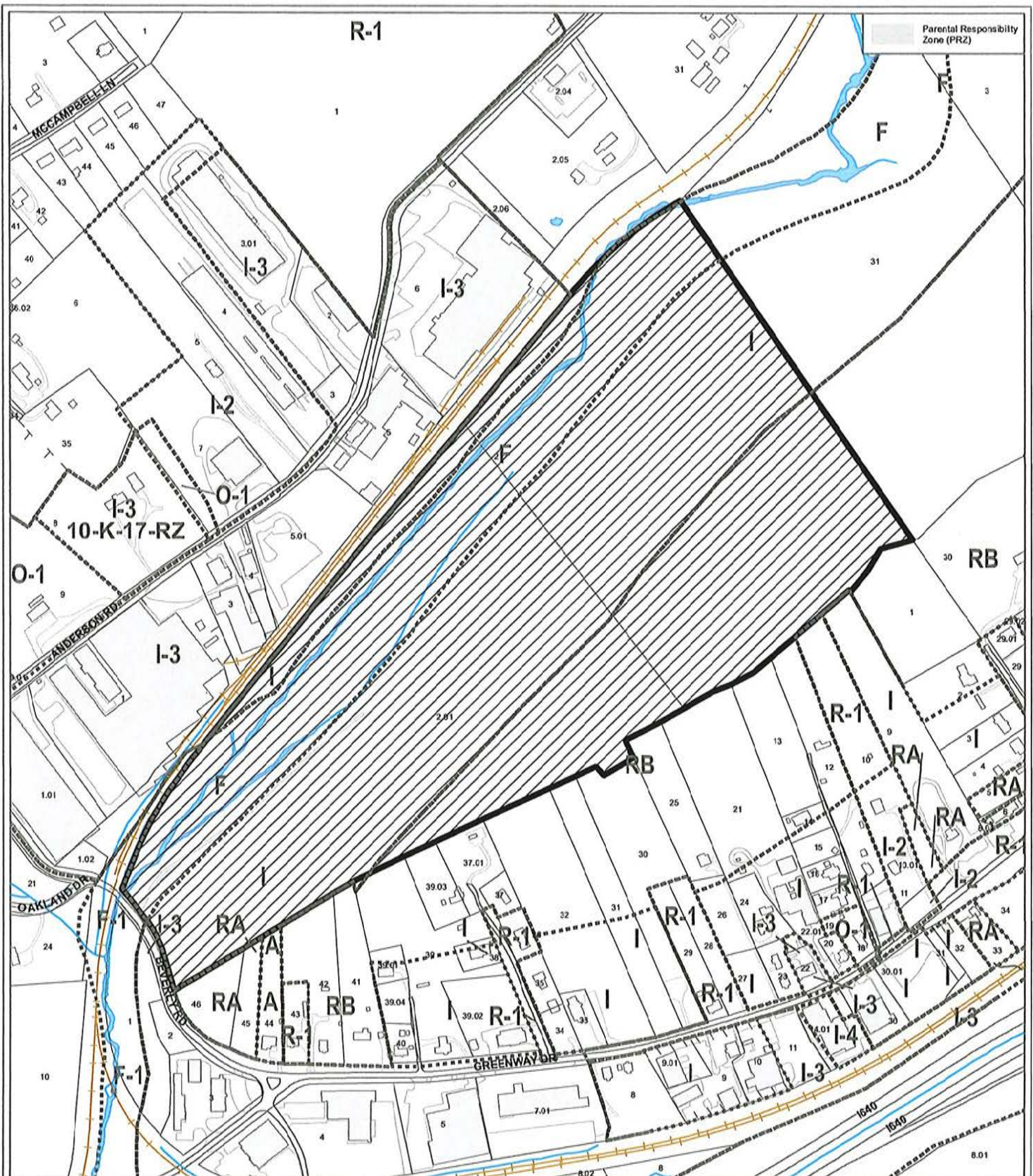
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 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.

If approved, this item will be forwarded to Knox County Commission for action on 1/27/2020. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



12-E-19-RZ REZONING

From: I (Industrial), RB (General Residential) & F (Floodway)

To: PR (Planned Residential)

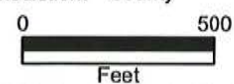


Original Print Date: 11/7/2019
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

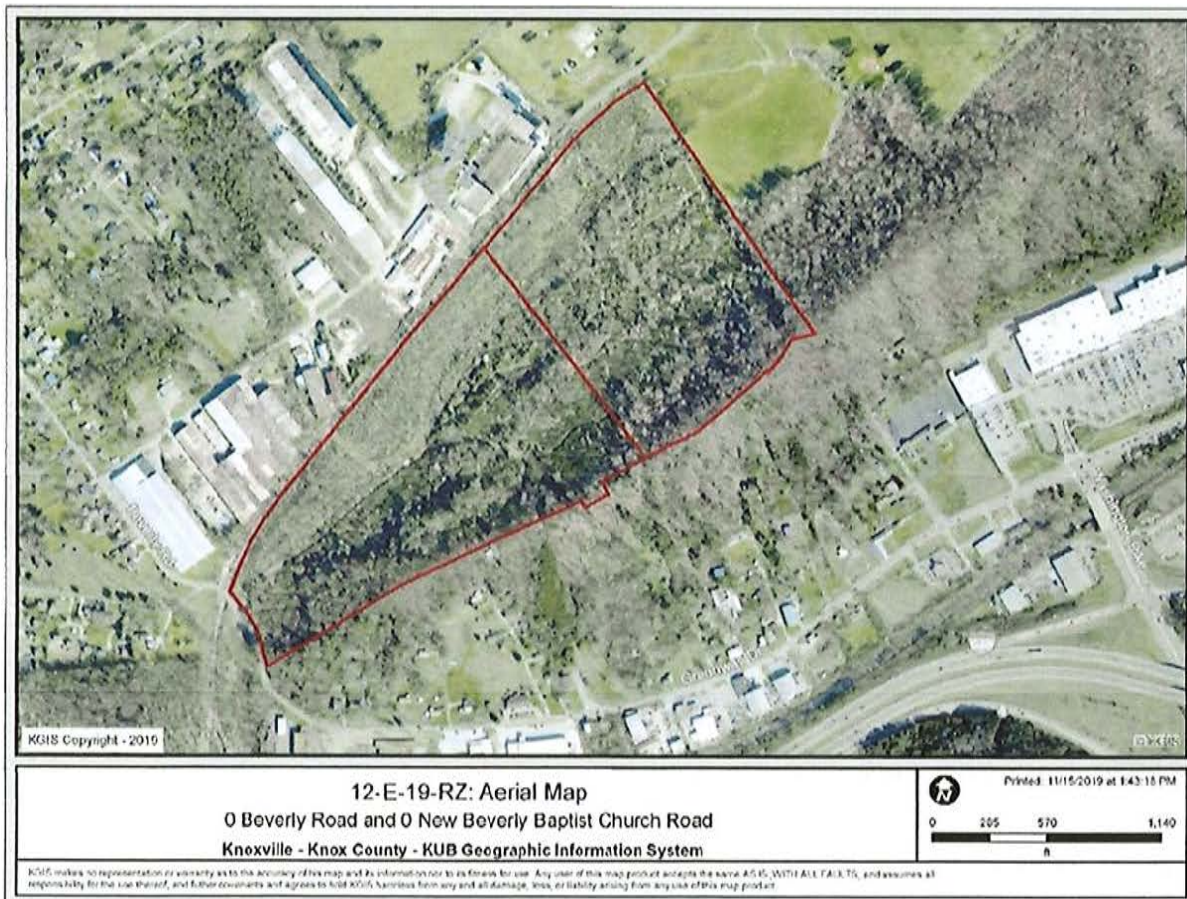
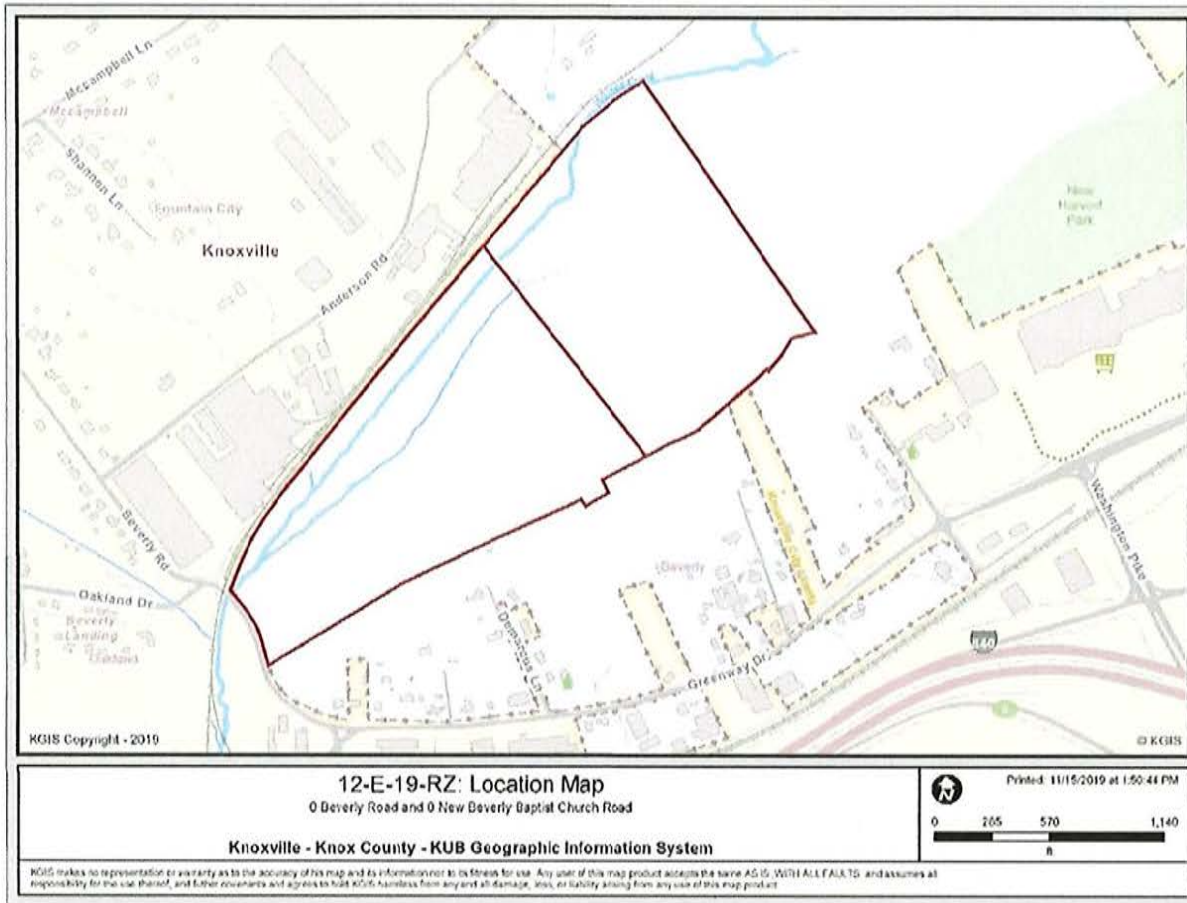
Petitioner: Guignard / Café International, LLC, Randy

Map No: 59
Jurisdiction: County



12-E-19-RZ

EXHIBIT A. Contextual Images



12-E-19-RZ EXHIBIT A. Contextual Images

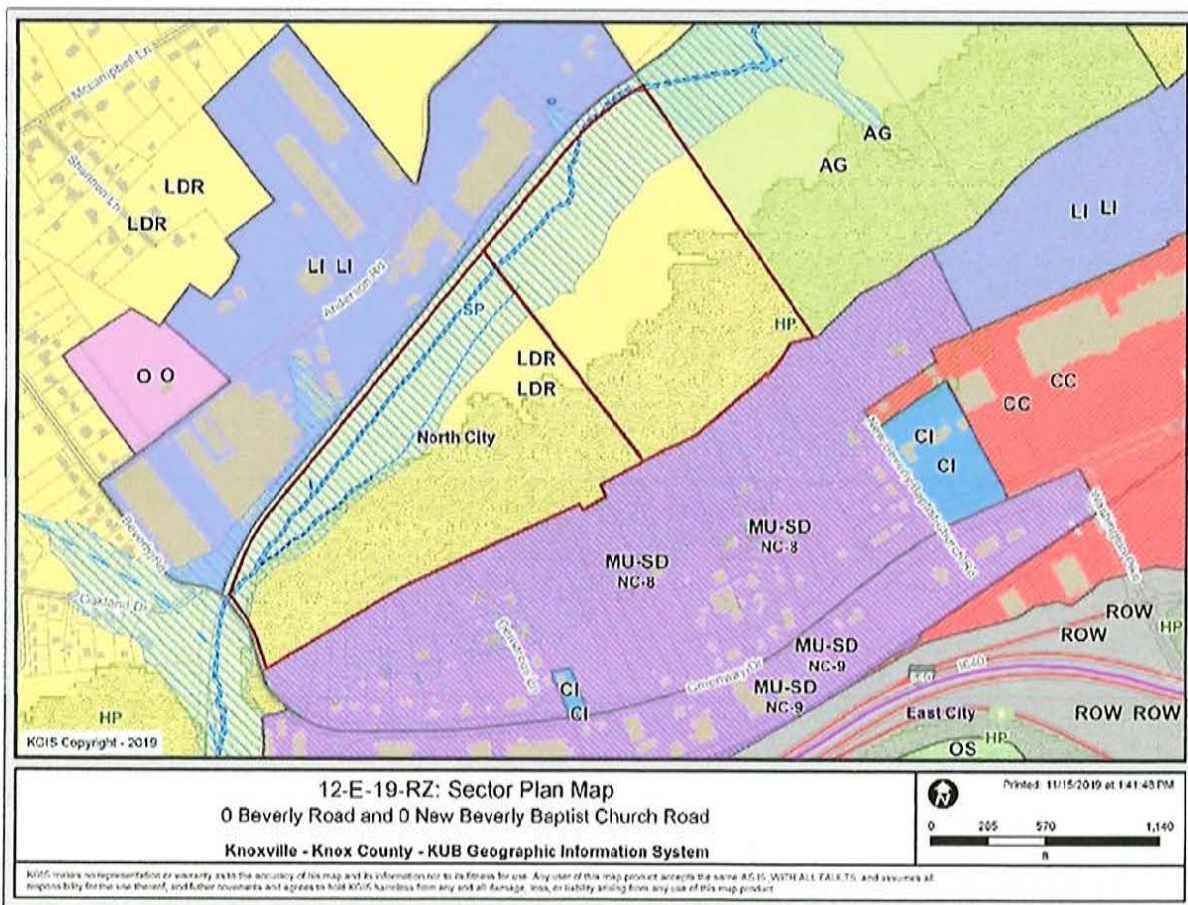
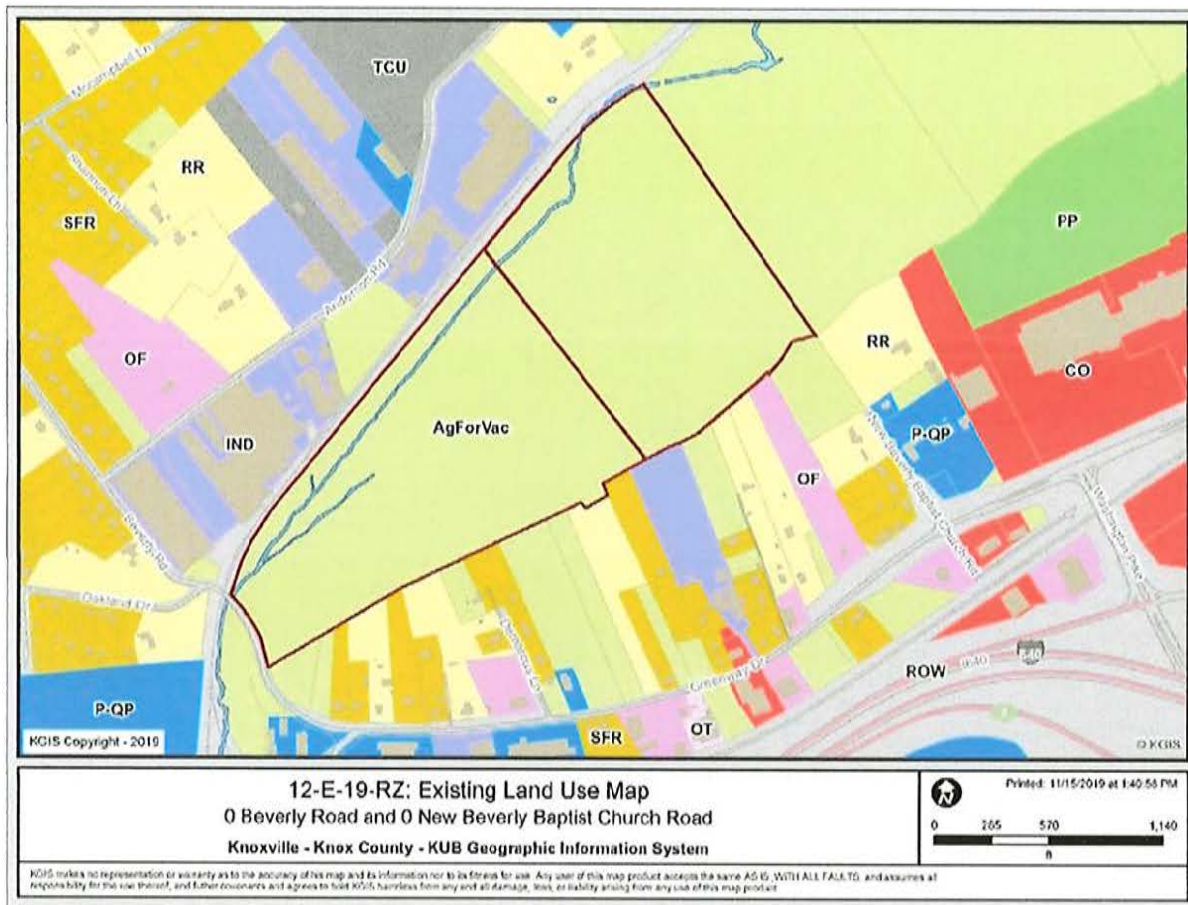
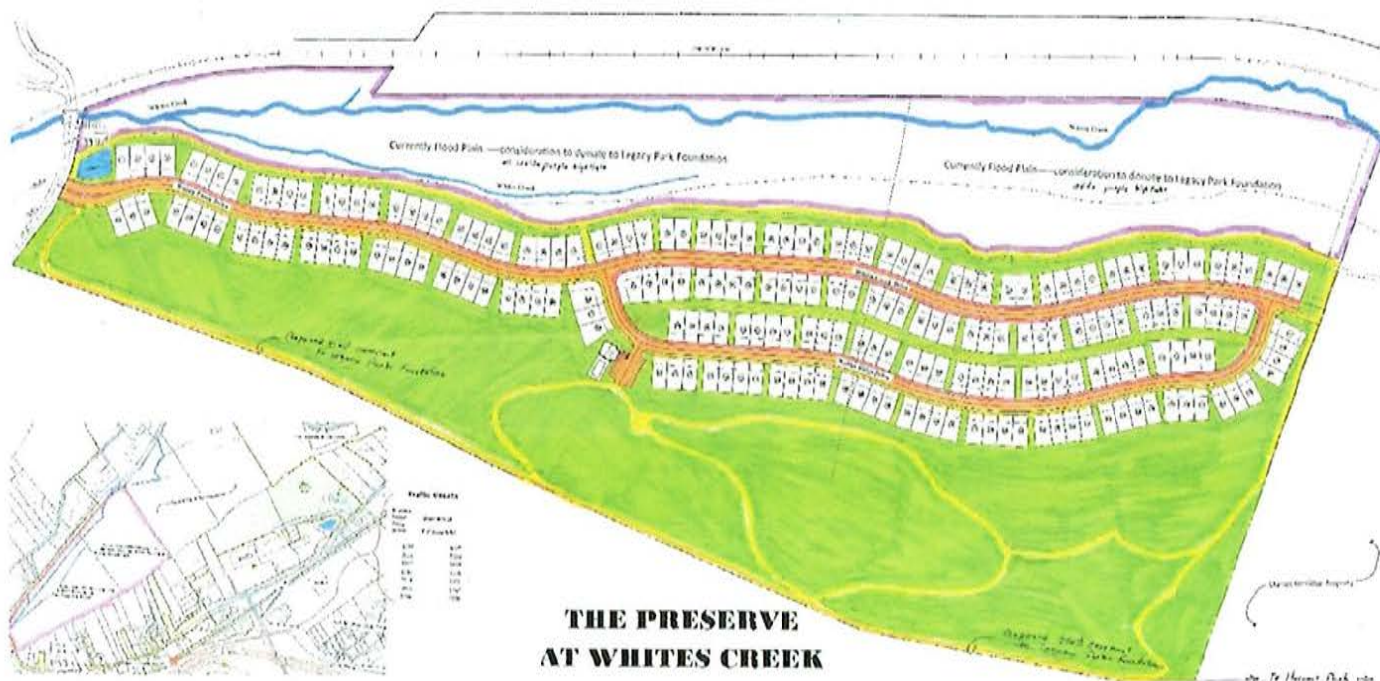
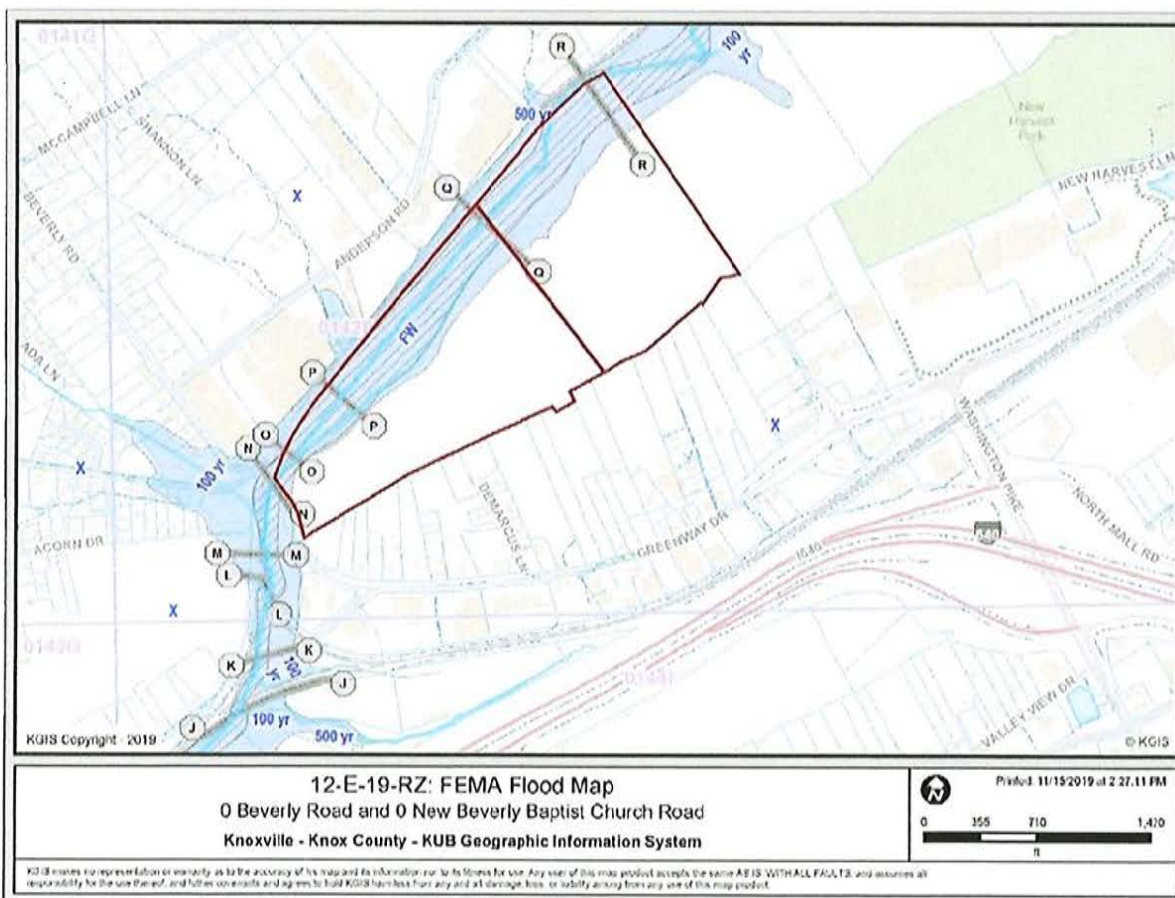
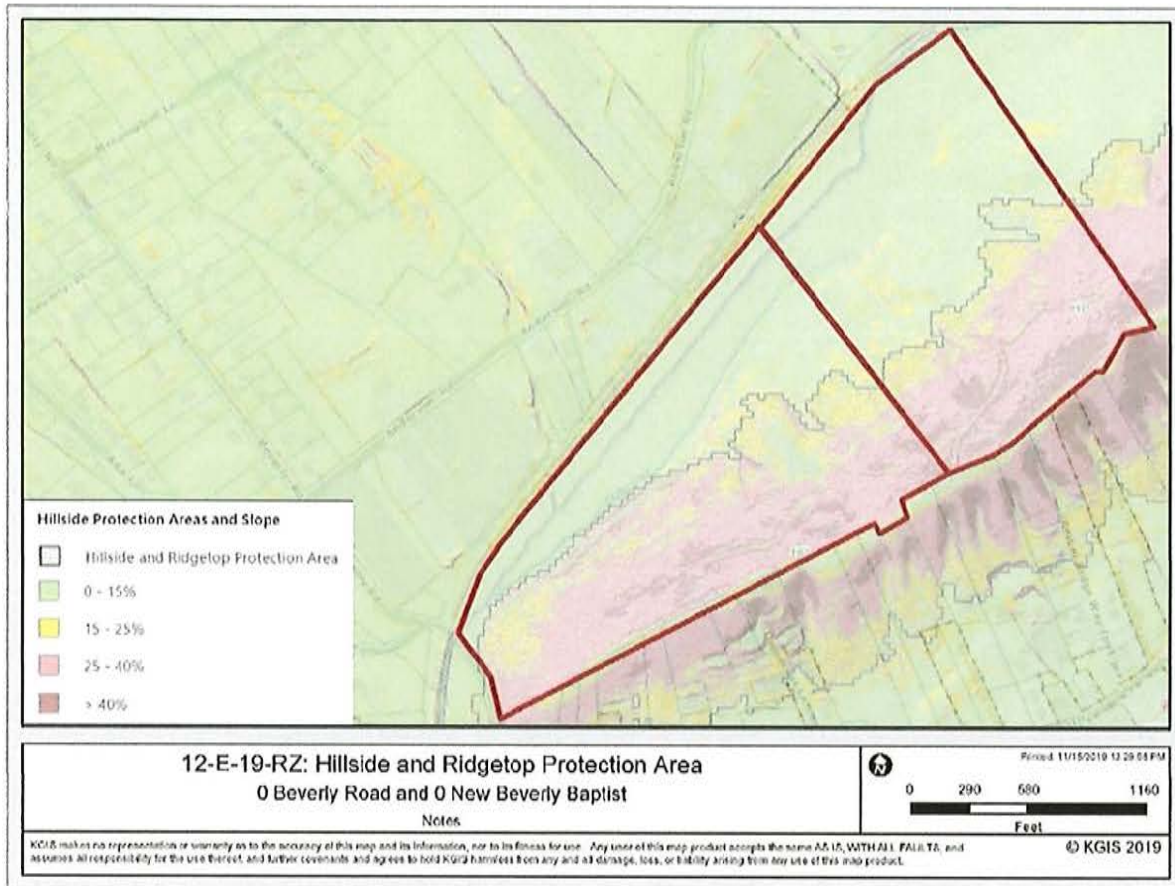


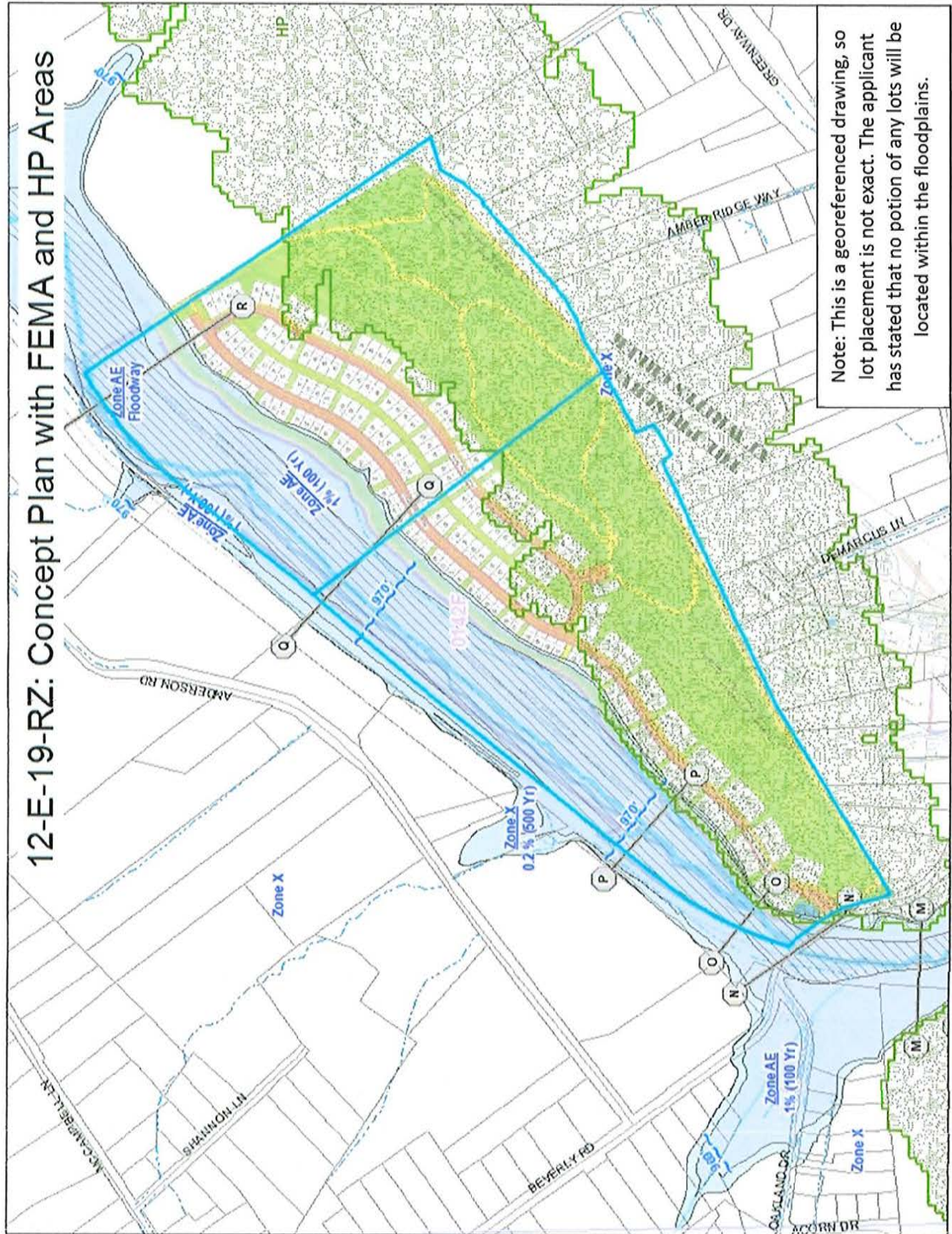
EXHIBIT A. Contextual Images



12-E-19-RZ EXHIBIT A. Contextual Images



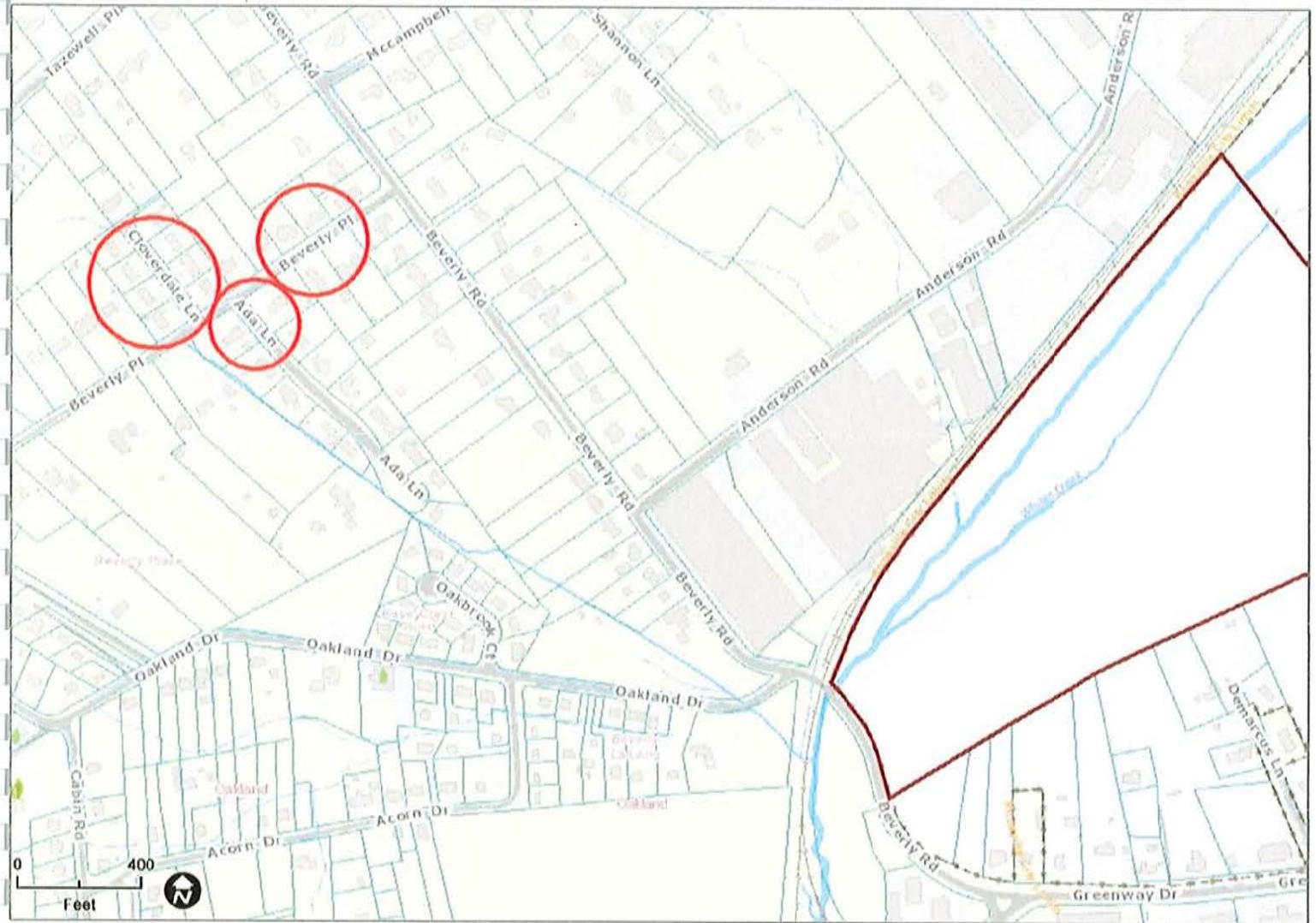




12-E-19-RZ

EXHIBIT A. Contextual Images

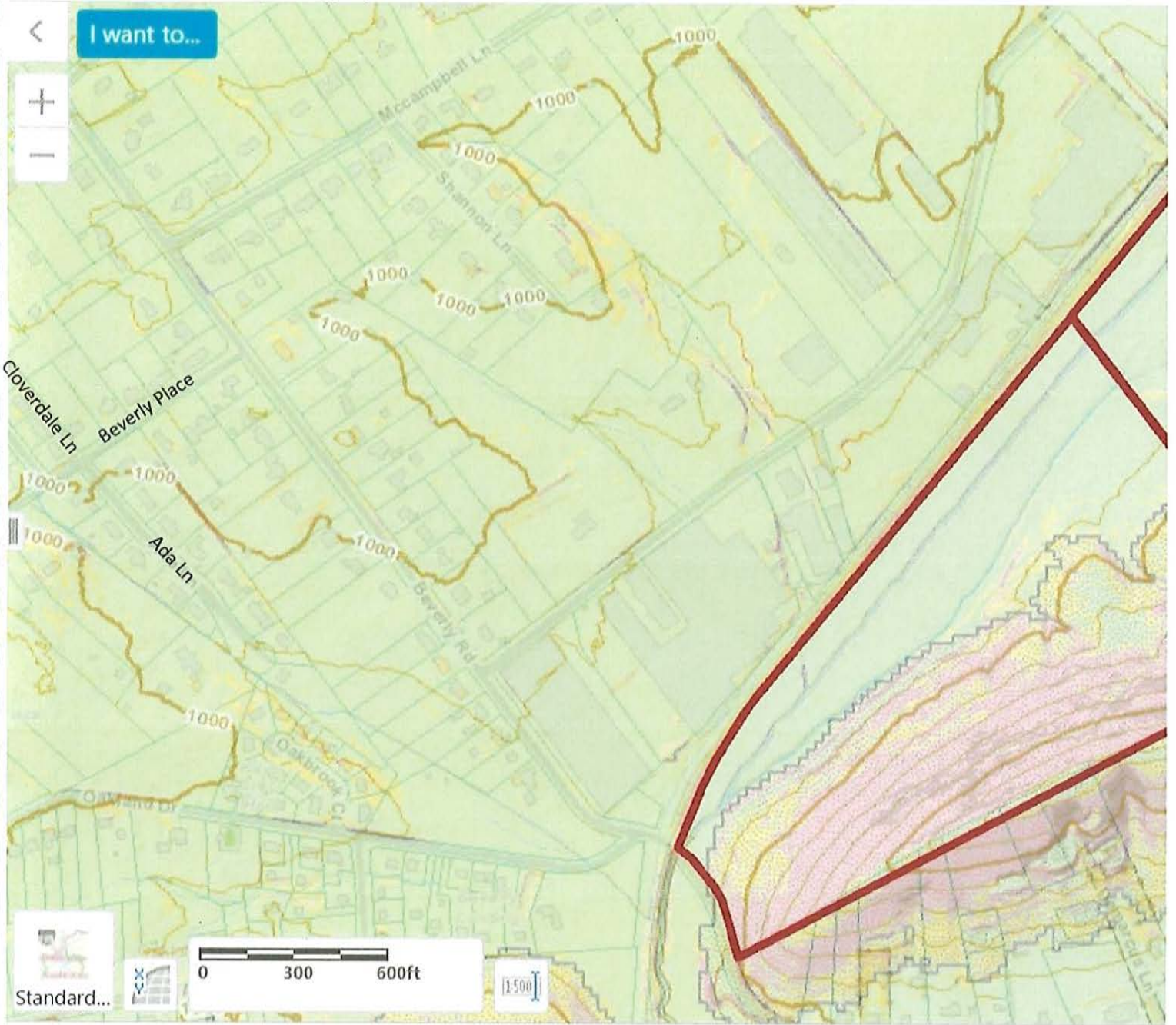
Roads mentioned in the preliminary hydrology and drainage report from Dr. Smoot



12-E-19-RZ

EXHIBIT A. Contextual Images

Slope related to streets in hydrology report



KNOXVILLE-KNOX COUNTY PLANNING COMMISSION

REPORT OF RECOMMENDATION

12/19/2019 01:57 PM

FILE NUMBER: 12-E-19-RZ

APPLICANT: RANDY GUIGNARD / CAFÉ INTERNATIONAL, LLC

APPLICANT'S REQUEST: REZONING

FROM: I (Industrial), RB (General Residential), and F (Floodway)

TO: PR (Planned Residential) and F (Floodway)

AT A DENSITY OF: 3.5 du/ac

COMM. RECOMMENDATION: **The Planning Commission approved PR (Planned Residential) zoning and F (Floodway) not to exceed 210 dwelling units because it is consistent with the North City Sector Plan's LDR designation and because the proposed development meets the intent of PR zoning.**

COMMISSION VOTE COUNT: 13-0

LOCATION: 0 Beverly Road and 0 New Beverly Baptist Church Road / Parcel ID 59 002 and 59 00201

ACREAGE: 80.37 acres total

DISTRICT: Commission District 2

COMMISSION HEARING ON: 12/12/2019

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 11/8/2019

LEGISLATIVE HEARING ON: 1/27/2020

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 12/20/2019

APPLICANT'S ADDRESS: John K. King
P.O. Box 2425
Knoxville, TN 37901

LEGISLATIVE BODY: Knox County Commission

Consistent with Sector Plan? Yes

Consistent with Growth Plan? Yes

REZONING REPORT

► **FILE #:** 1-E-21-RZ

AGENDA ITEM #: 17

AGENDA DATE: 1/14/2021

► **APPLICANT:** RANDY GUIGNARD / CAFÉ INTERNATIONAL LLC

OWNER(S): Café International

TAX ID NUMBER: 59 00201 & 002 [View map on KGIS](#)

JURISDICTION: County Commission District 2

STREET ADDRESS: 0 Beverly Rd. & 0 New Beverly Church Rd.

► **LOCATION:** East side of Beverly Rd., north of Greenway Dr.

► **APPX. SIZE OF TRACT:** 78 acres (total)

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Beverly Road is a major collector with a pavement width of 21 feet and a right-of-way width of 47.5 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

► **PRESENT ZONING:** I (Industrial) / RB (General Residential) / F (Floodway)

► **ZONING REQUESTED:** PR (Planned Residential) / F (Floodway)

► **EXISTING LAND USE:** Agricultural/forestry/vacant

► **DENSITY PROPOSED:** 3.22 du/ac (over portion of property not in floodplains or floodway)

EXTENSION OF ZONE: No

HISTORY OF ZONING: 03/2018: PR zone with up to 5 du/ac requested, Planning Commission approved 2.75 du/ac, withdrawn before County Commission action.
12/2019: PR zone with up to 3.5 du/ac requested, Planning Commission approved up to 210 dwellings, withdrawn before County Commission action.

SURROUNDING LAND USE AND ZONING: North: Industrial and Agricultural/Forestry/Vacant - I-G (General Industrial District)

South: Single family residential, Rural residential, agricultural/forestry/vacant, and industrial - RB (General Residential), RA (Low Density Residential), and A (Agricultural)

East: Agricultural/forestry/vacant - RB (General Residential), I (General Industrial District) and F (Floodway District)

West: Agricultural/forestry/vacant - I-G (General Industrial District), HP (Hillside Protection Overlay) and F (Floodplain Overlay District) 1 (Floodway District)

NEIGHBORHOOD CONTEXT: The surrounding area contains a mix of industrial and residential uses in the midst of steep slopes and a creek with a floodway and floodplains. There are industrial uses and a railroad to the north, and single-family homes to the northeast and the south. Adjacent residential properties to the south are a variety of lot sizes ranging from over an acre down to 1/3 an acre. A

shopping center and funeral home are also in the near vicinity. The upcoming warehouse distribution center is planned for the site of the former East Town Mall.

STAFF RECOMMENDATION:

- **Approve PR (Planned Residential) zoning with a density of 2.51 du/ac because it is consistent with the North City Sector Plan's LDR designation, and retain the F (Floodway Overlay District).**

Staff recommends the following measures to increase safety and preserve sensitive land on the steep slopes and along the creek. The following conditions would apply if the rezoning is approved:

1. Grading of steep slopes should be kept to a minimum per the Hillside and Ridgetop Protection Plan guidelines.
2. Development should not occur in the floodplains or the floodway.
3. The Knoxville Parks and Recreation Department has requested a trail easement on the southern border of the property to encompass proposed walking trails.
4. Housing and development should be clustered on the flatter portion of the property (containing slopes ranging from 0% to 15%) to reduce the amount of land disturbed, protect the retention and filtration capabilities of the property, and mitigate erosion on the steeper slopes on the southern portion of the property.

COMMENTS:

GENERAL COMMENTS:

1. This site contains land in a FEMA floodway and floodplains (500-year and 100-year) on the northern portion of the site and a steep slope in the Hillside and Ridgetop Protection Area on the southern portion. The Knox County Stormwater Ordinance defines floodplains and floodways as such:
 - a. Floodplain means any land area susceptible to being inundated by water from any source. Floodplains that have been studied for purposes of flood insurance documentation are typically assigned a recurrence interval (i.e., the 100-year floodplain) which defines the magnitude of the flood event that causes the inundation in the floodplain to a specified flood elevation. The 100-year floodplain is the area subject to inundation during the 100-year flood (i.e., land with a 1% chance of flooding any given year).
 - b. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.
2. The applicant's application states that he is requesting a density of 3.22 du/ac over 61 acres. This reflects the applicant's desire to donate 16 acres of land in the floodway to Legacy Parks, as the actual acreage of both parcels comprising the site is approximately 78 acres. A letter from Legacy Parks considering the proposal was submitted as part of the application in the December 2019 rezoning request and has been included in the application materials of this request. However, since no donation has occurred, the density must be calculated using the overall acreage. Using the total acreage in the calculation yields a density of 2.51 du/ac (78 acres/196 dwellings = 2.51 du/ac).

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE COUNTY GENERALLY:

1. There is an increased need for housing in the County. The proposed rezoning would create an opportunity to meet this need.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The Knox County Zoning Ordinance describes PR zoning as intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provisions for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.
3. PR zoning would ensure some type of residential development would occur on this property regardless of whether this particular development moved forward.
4. PR zones require Planning Commission review of development plans via the use on review process to ensure compliance with zoning regulations and encourage compliance with the Hillside and Ridgetop Protection Plan.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY,

NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. As stated, there is a significant portion of the site in a floodway and floodplains, and flooding has occurred in this area. Flood concerns are handled during the site plan review process, and plans are required to comply with Knox County's Stormwater Department requirements and provide stormwater mitigation measures that ensure flooding is at the same threshold as pre-development levels.

2. A traffic impact analysis will be required. Sight distance and access points would be addressed during the concept plan/use on review process and would be required to meet the requirements of the Knox County Engineering Department.

3. There is a significant amount of property to the north and south that are planned to be undisturbed, and the natural vegetation presence of the creek provide a physical and visual barrier that would help shield the higher density of this development from Beverly Road.

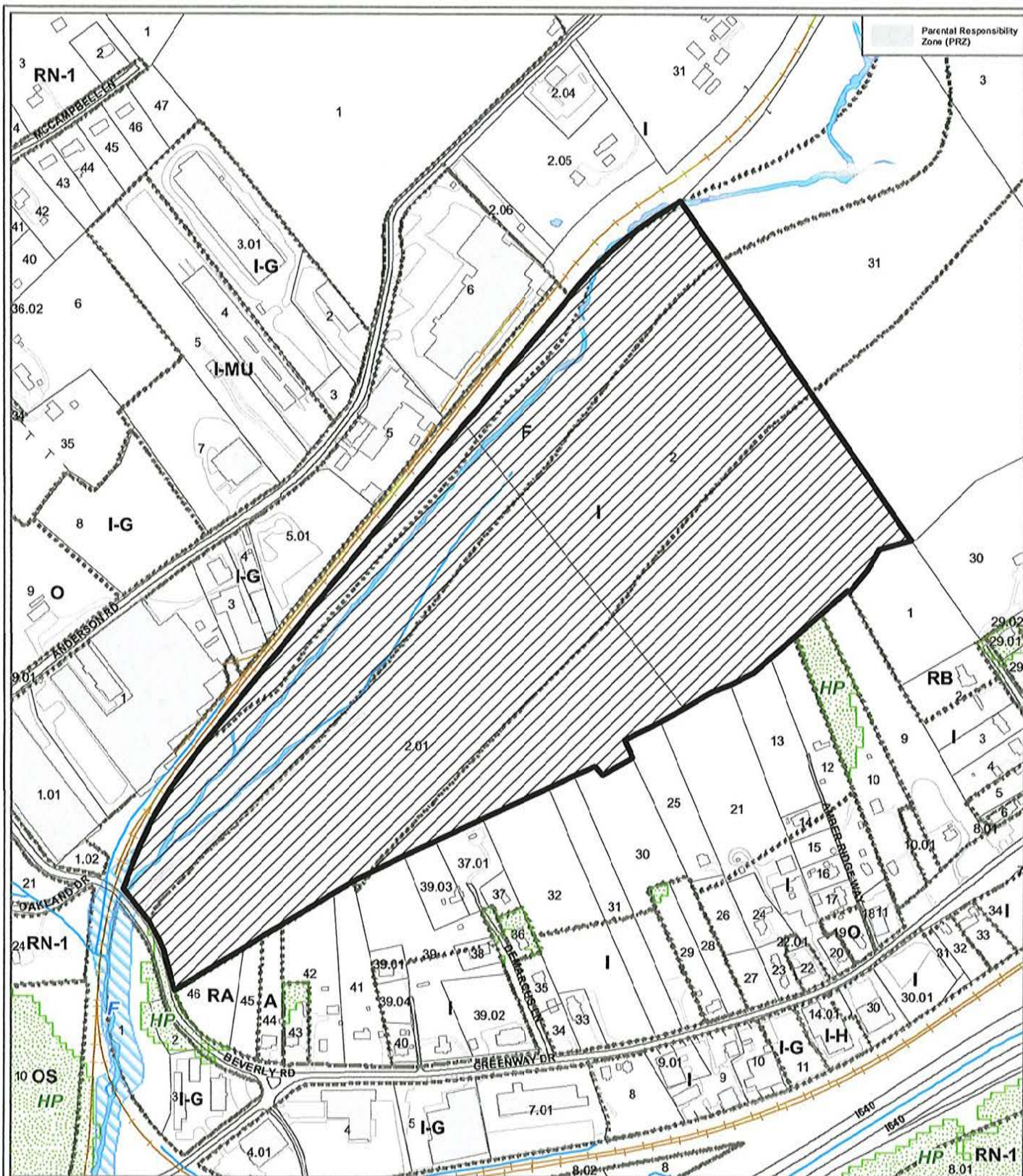
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The requested zoning is consistent with the sector plan's LDR designation, which allows PR zoning with up to 5 du/ac in the Urban Growth Areas of the County.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/22/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



1-E-21-RZ REZONING

Petitioner: Guignard / Café International
LLC, Randy



From: I (Industrial) / RB (General Residential) / F (Floodway)

To: PR (Planned Residential) / F (Floodway)

Map No: 59

Jurisdiction: County

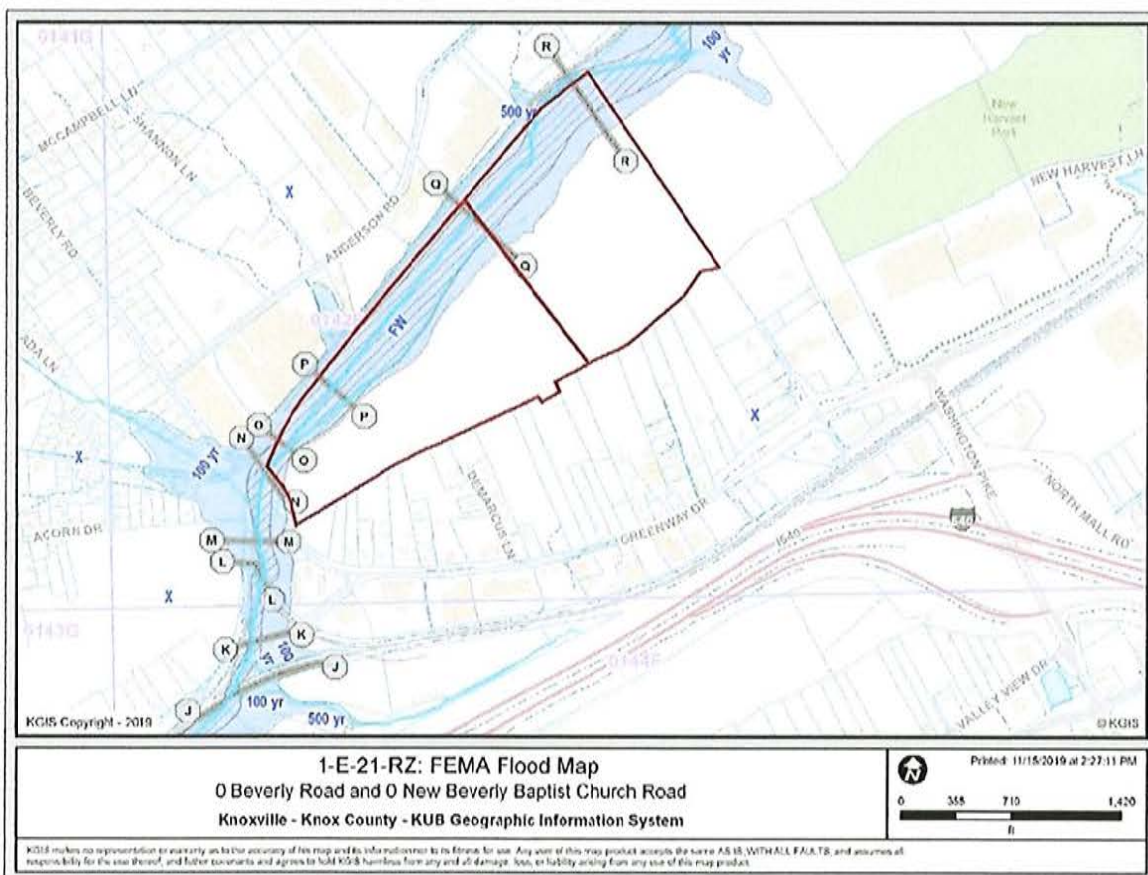
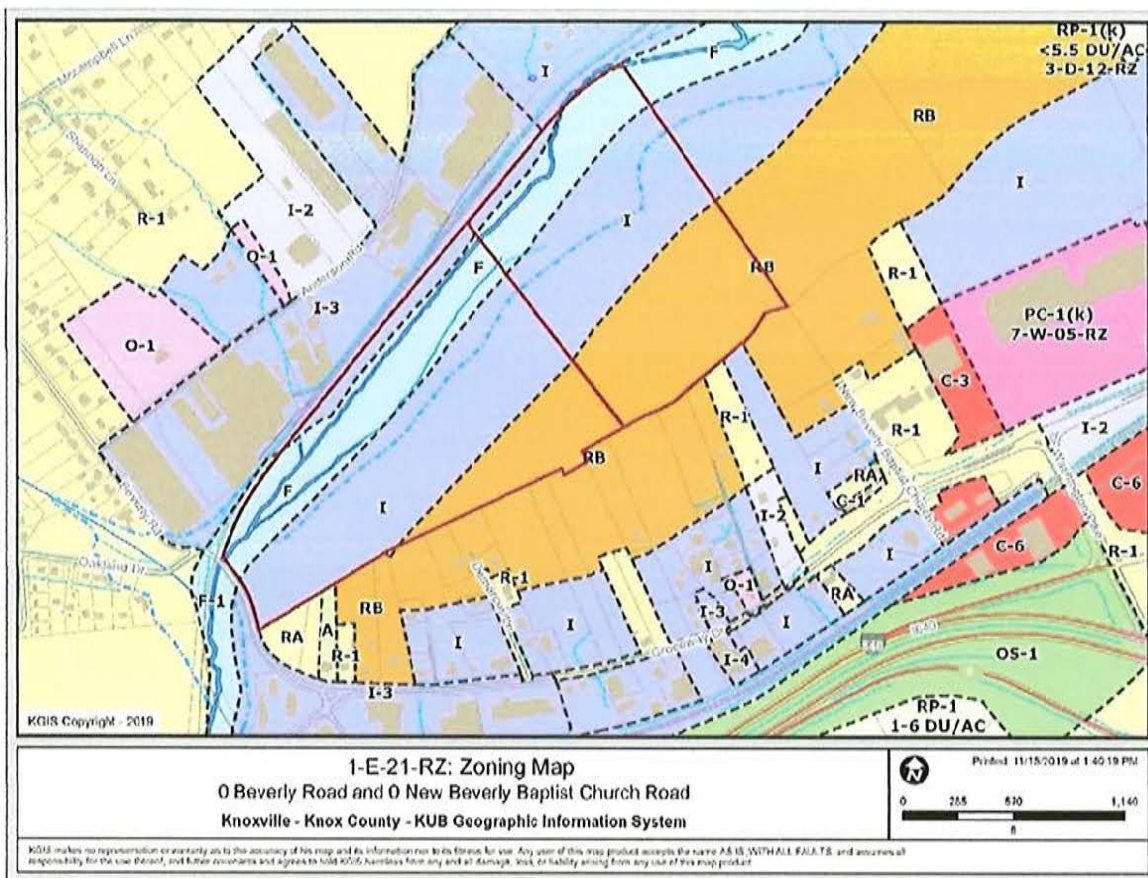


Original Print Date: 12/7/2020

Revised:

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

1-E-21-RZ **EXHIBIT A. Contextual Images**

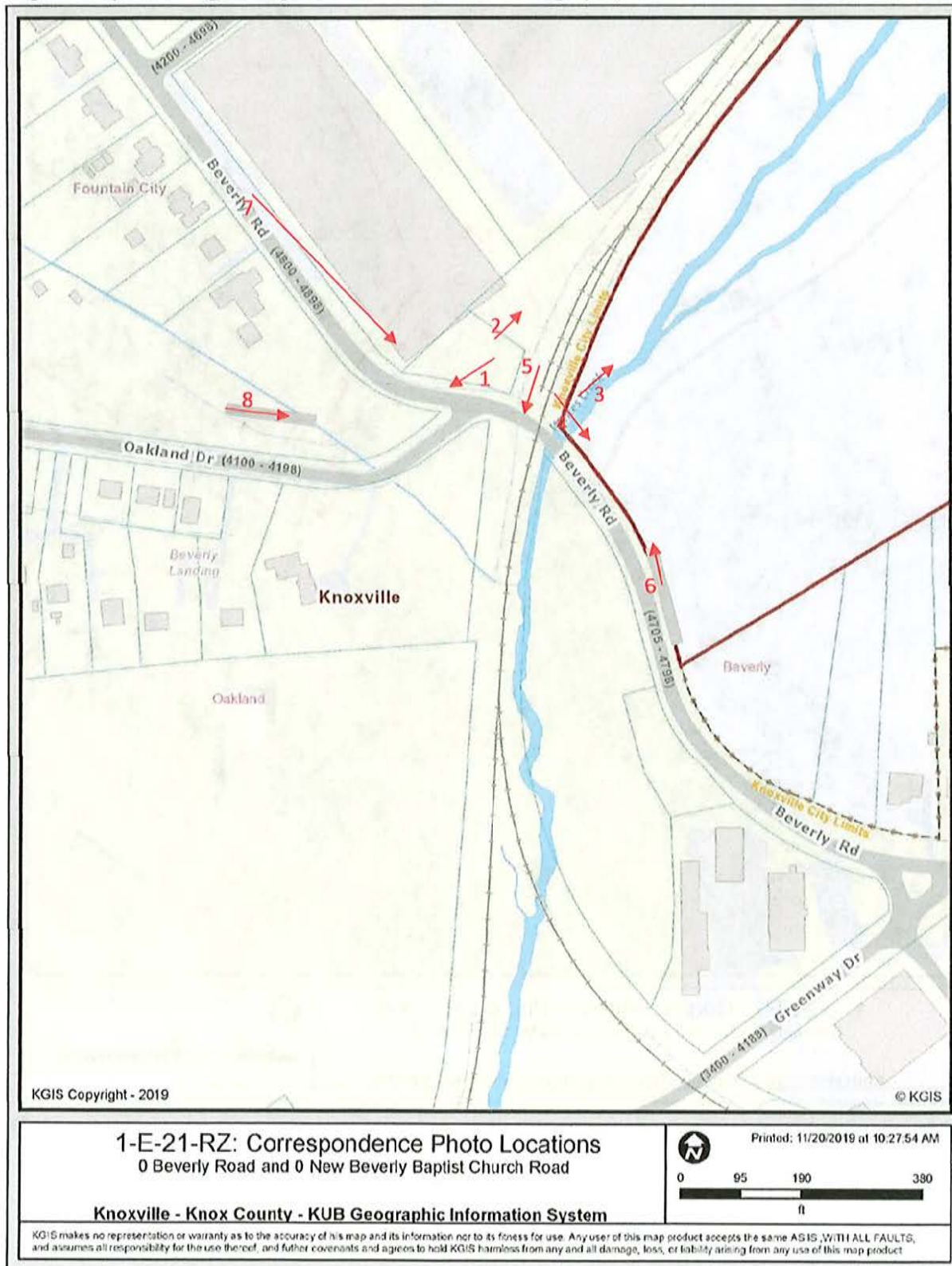


1-E-21-RZ

Exhibit B. Photos from Neighbors

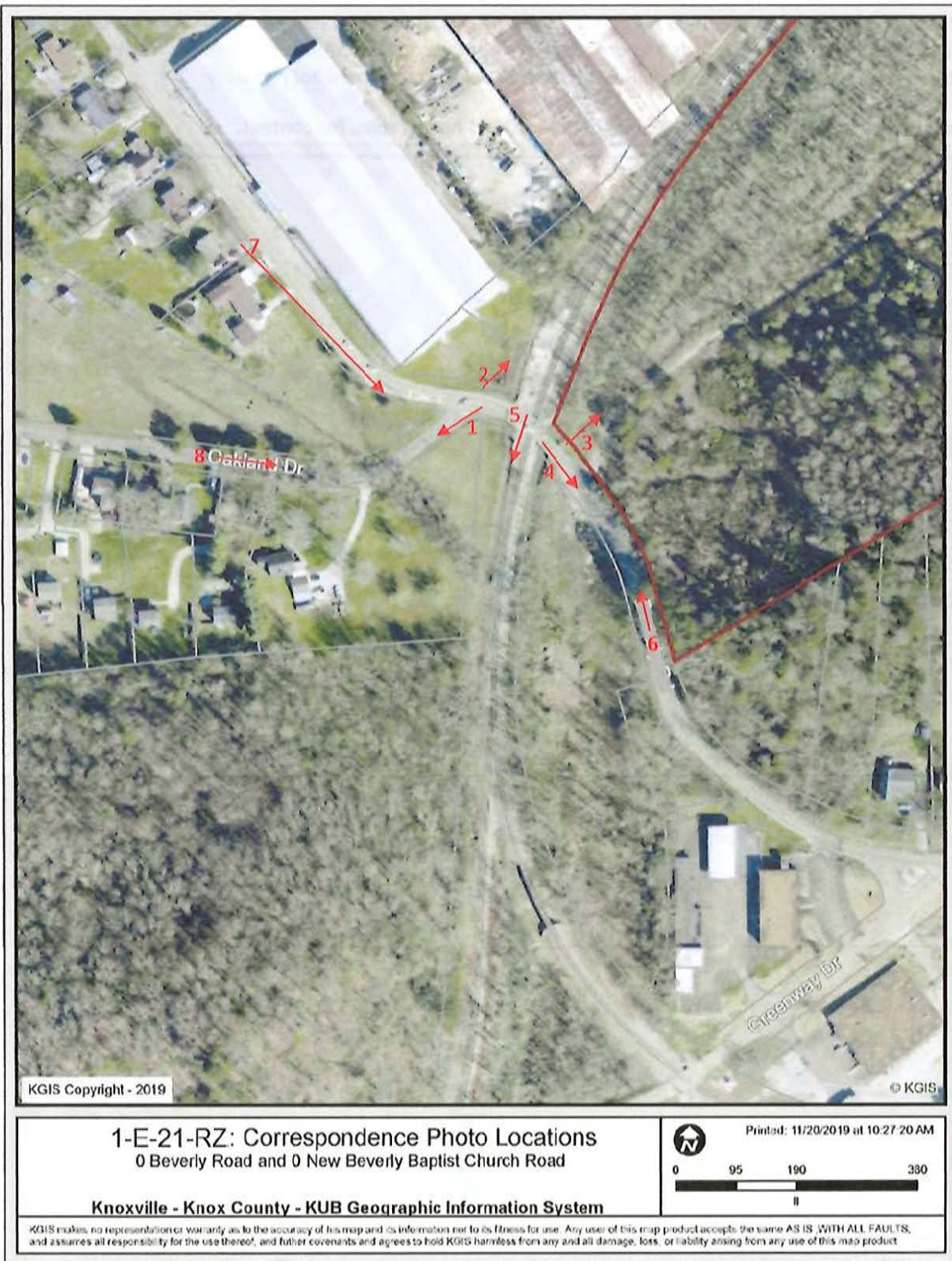
It should be noted that the flood photographs in this exhibit are from a major flood event in February 2019 that broke several records and are therefore not indicative of normal rain events. However, it is staff's understanding that some degree of flooding does occur somewhat regularly.

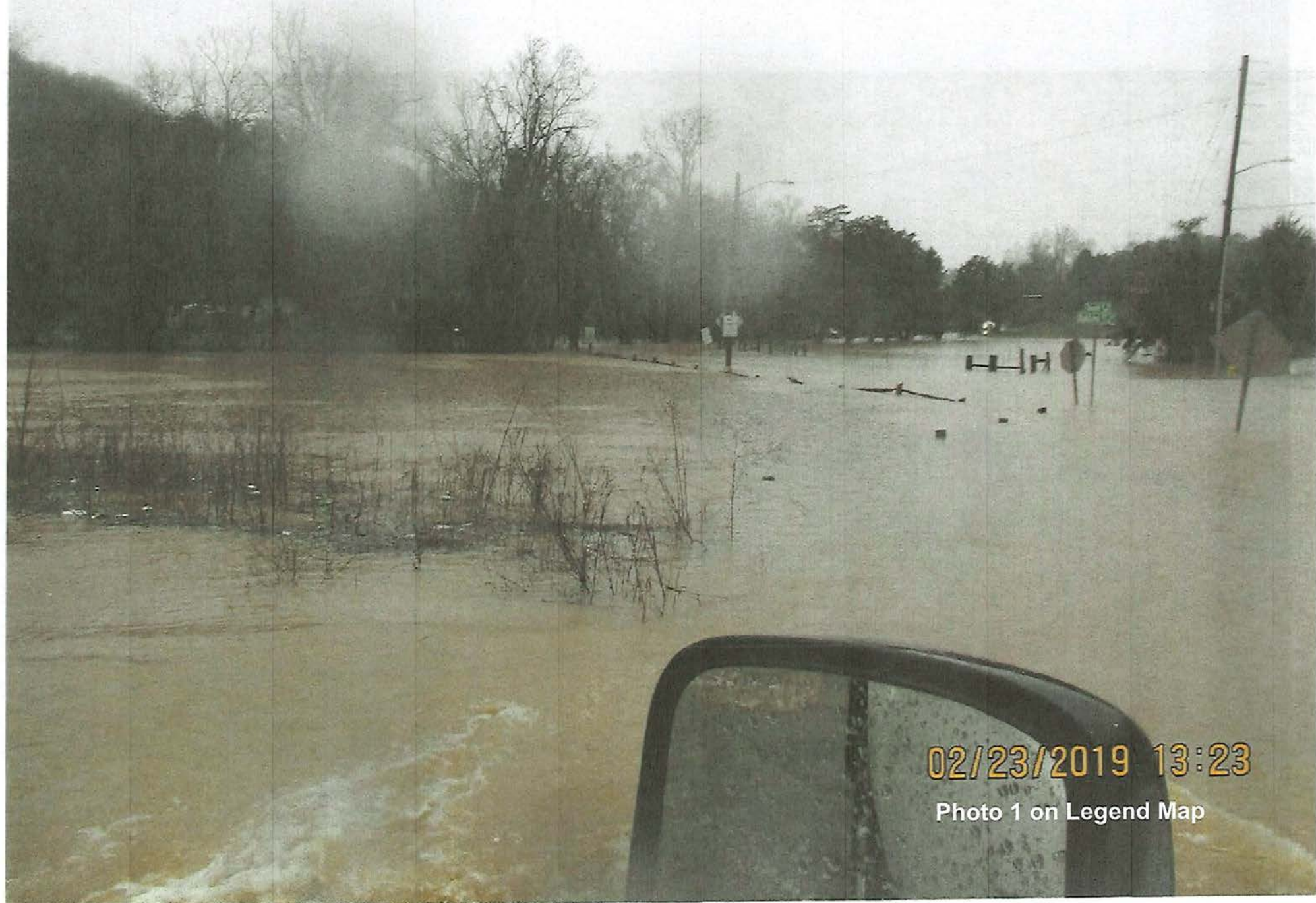
Legend Maps Showing Vantage Points of Submitted Photographs, for context.



1-E-21-RZ

Exhibit B. Photos from Neighbors







Street view image from same vantage point as photo 1 submitted by neighboring resident



02/23/2019 13:15

Photo 2 on Legend Map

Beverly Rd
Knoxville, Tennessee
[View on Google Maps](#)



Street view image from same vantage point as photo 2 submitted by neighboring resident



02/23/2019 13:16

Photo 3 on Legend Map



Street view image from same vantage point as photo 3 submitted by neighboring resident



02/23/2019 13:16

Photo 4 on Legend Map

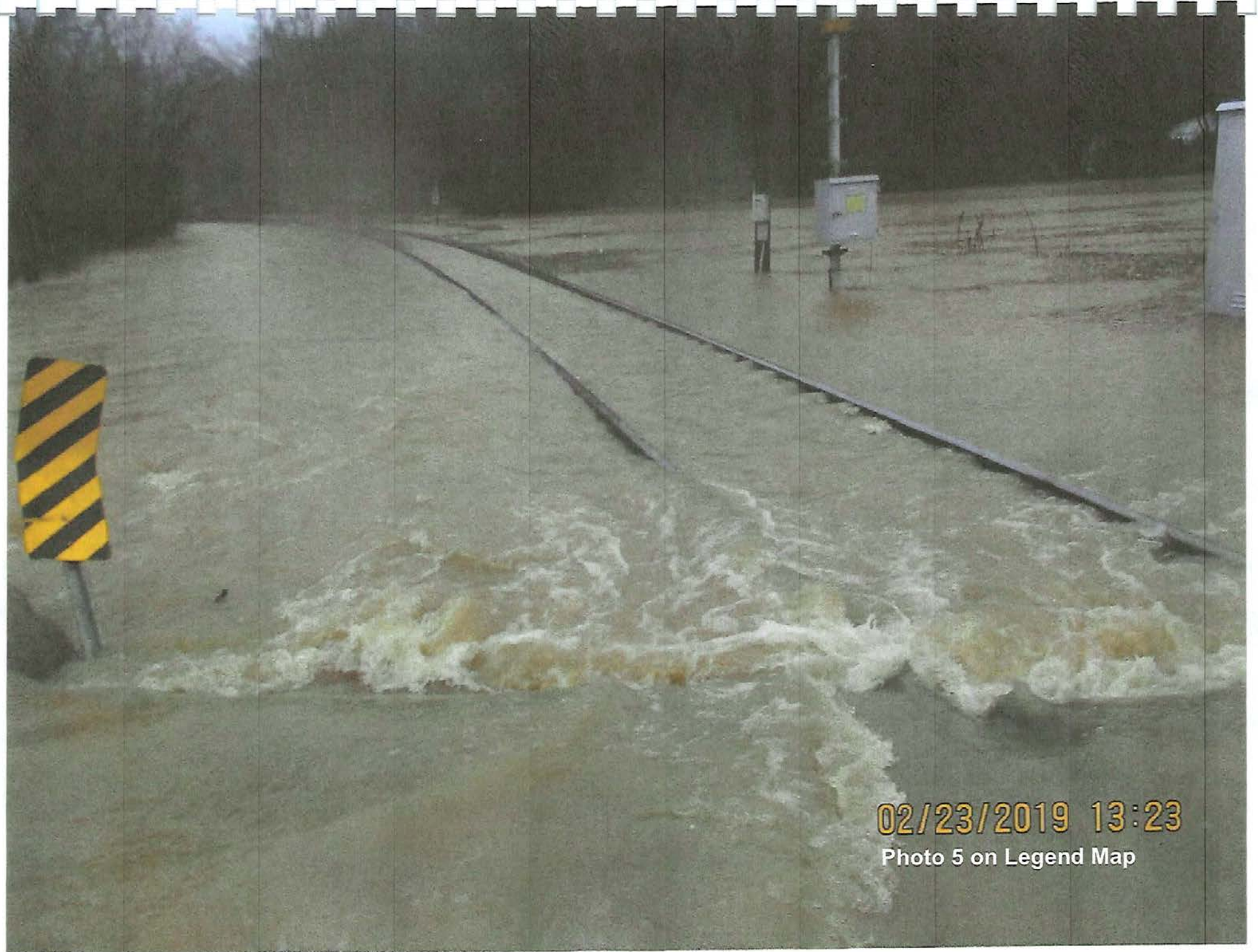
4798 Beverly Rd
Knoxville, Tennessee
[View on Google Maps](#)



Street view image from same vantage point as photo 4 submitted by neighboring resident

Google

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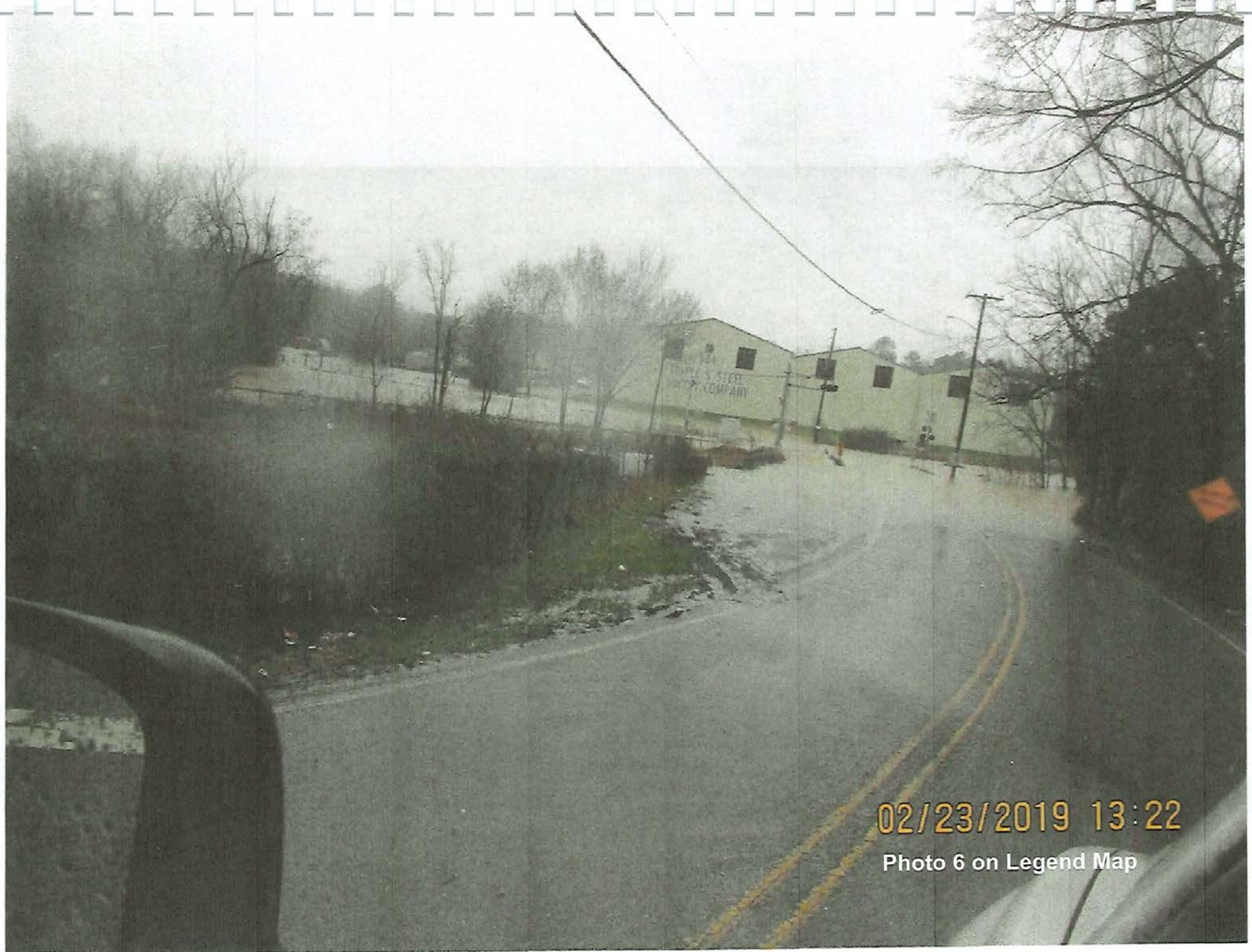
02/23/2019 13:23

Photo 5 on Legend Map



Beverly Rd
Knoxville, Tennessee
[View on Google Maps](#)

Street view image from same vantage point as photo 5 submitted by neighboring resident



02/23/2019 13:22

Photo 6 on Legend Map

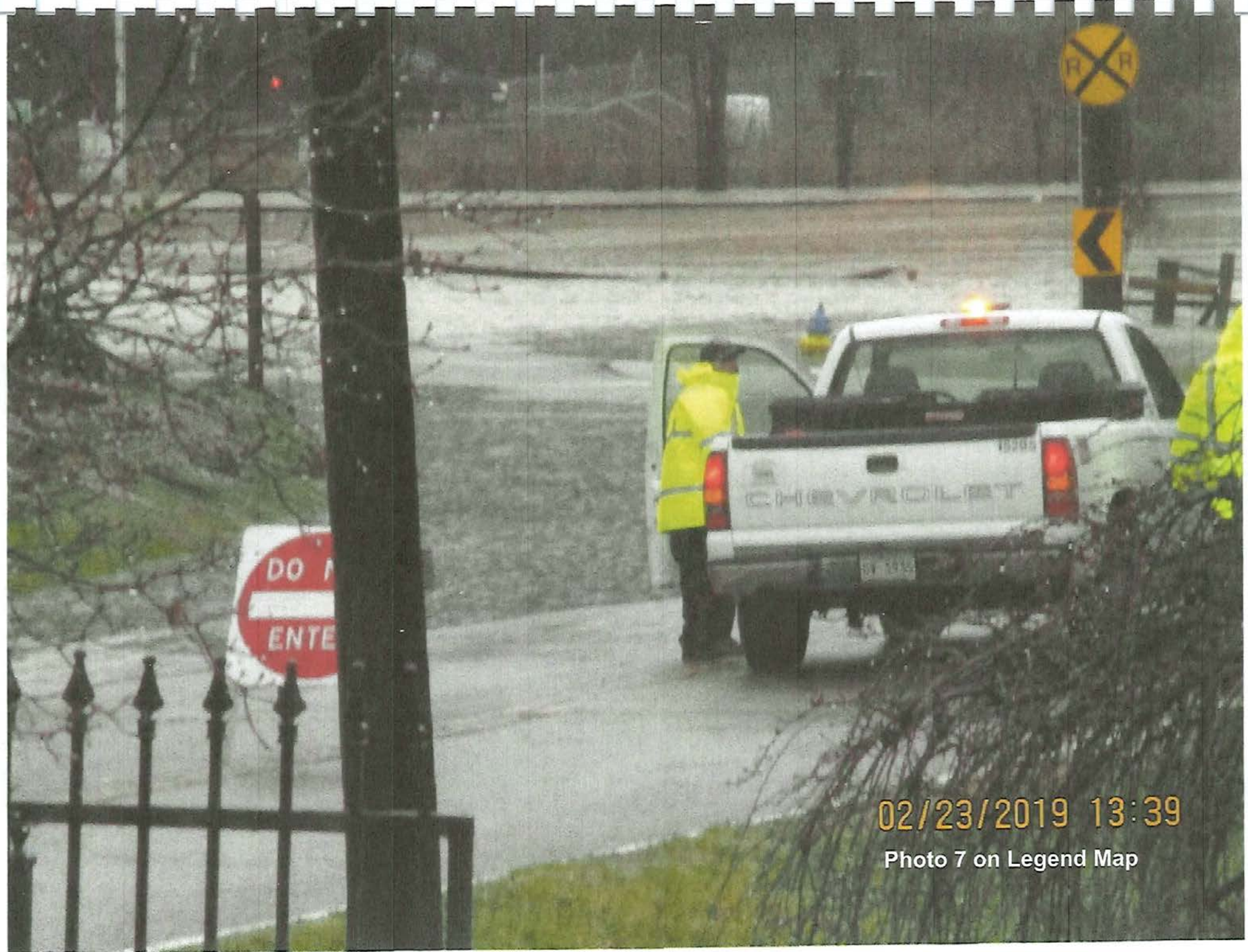


4798 Beverly Rd
Knoxville, Tennessee
[View on Google Maps](#)

Street view image from same vantage point as photo 6 submitted by neighboring resident

Google

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02/23/2019 13:39

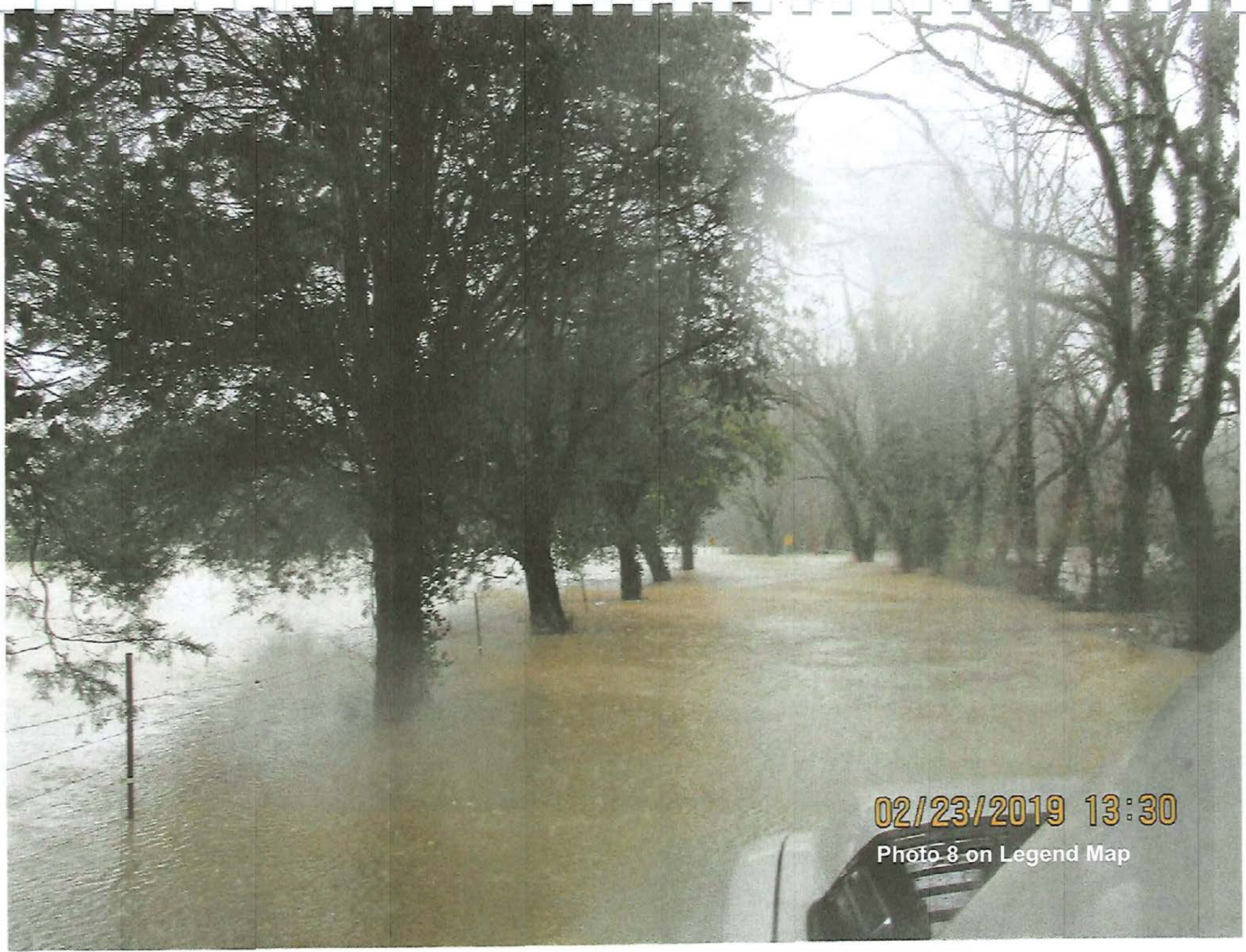
Photo 7 on Legend Map



Street view image from same vantage point as photo 7 submitted by neighboring resident

Google

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02/23/2019 13:30

Photo 8 on Legend Map



KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
REPORT OF RECOMMENDATION

1/21/2021 02:52 PM

FILE NUMBER: 1-E-21-RZ

APPLICANT: RANDY GUIGNARD / CAFÉ INTERNATIONAL LLC

APPLICANT'S REQUEST: REZONING

FROM: I (Industrial) / RB (General Residential) / F (Floodway)

TO: PR (Planned Residential) / F (Floodway)

AT A DENSITY OF: 3.22 du/ac (over portion of property not in floodplains or floodway)

COMM. RECOMMENDATION: **Approve PR (Planned Residential) zoning with a density of 2.51 du/ac because it is consistent with the North City Sector Plan's LDR (Low Density Residential) designation, and retain the F (Floodway Overlay District).**

COMMISSION VOTE COUNT: 13-0

LOCATION: 0 Beverly Rd. & 0 New Beverly Church Rd. / Parcel ID 59 00201 & 002

ACREAGE: 78 acres (total)

DISTRICT: Commission District 2

COMMISSION HEARING ON: 1/14/2021

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 12/12/2020

LEGISLATIVE HEARING ON: 2/22/2021

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 1/21/2021

APPLICANT'S ADDRESS: Café International
5408 Fountaingate Rd.
Knoxville, TN 37918

LEGISLATIVE BODY: Knox County Commission

Consistent with Sector Plan? Yes, the sector plan's LDR designation allows PR zoning

Consistent with Growth Plan? Yes, the Growth Plan allows up to 5 du/ac within the Urban Growth Boundary.

At <https://www.youtube.com/watch?v=qzw-gHTwRUM> or ctv you can watch the Jan 14 meeting- #17 on the agenda 1-E-21-RZ beginning at 1:11:50 to 1:40:02

MPC Agenda Review Jan 2021

1. Flooding- at agenda review MPC staff said, "Photos aren't indicative of flooding, photos submitted were when half the county was flooded." In the attachment we sent to MPC and also on our website www.beverlyrezoning.com there are photographs numbered 9, 19, & 11 from Jan 3, 2020 on a 1.3-inch rain. Also, a video is on website for Jan 3, 2020. Additionally, hydrologist Dr. Smoot- report we submitted and is on the website documents flooding in the area and impacts for downstream flooding along White's Creek and First Creek.

2. FEMA Flood Map, on website, clearly shows the 100-year, not even the 500-year floodplain going across the entire frontage of his property entrance for the project.

3. Calculating density, MPC staff said, "We are being consistent with what we have done in the past, we do not remove flood plain areas from the density calculation." The staff confused 'flood plain area' with Floodway Zone. This property has 19 acres Zoned Floodway. Floodway is a Zoning District and Floodway is not an overlay. The Knox County Ordinance is clear- 5.70.04 B 1 says, "ANY STRUCTURES OR FILLING OF LAND PERMITTED SHALL BE OF A TYPE NOT APPRECIABLY DAMAGED BY FLOODWATERS, PROVIDED NO STRUCTURES FOR HUMAN HABITATION SHALL BE PERMITTED." Therefore, the 19 acres in the Floodway Zoning District, should not be included in the density calculation. His rezoning request id for PR and Floodway.

AT MPC Jan 2021 Meeting-

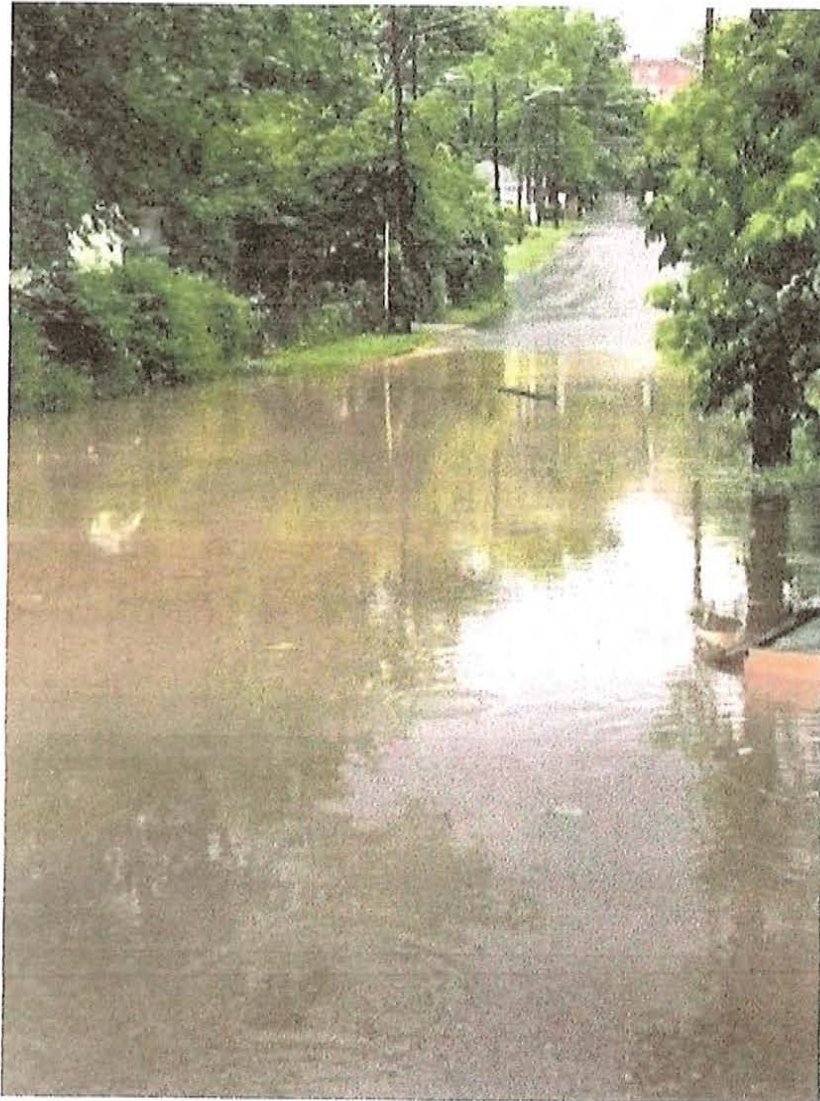
Portiere-MPC - "Density is based on Hillside Ridgetop Protection Area analysis of 2.47 distributed over 61 acres- 152 dwelling units. H RTP analysis doesn't include the land in the floodplain in the calculation because you can't build in the floodplain. However, when we are assigning density and talking about that as the zoning it's distributed over then entire piece of property. We've never removed the floodplain areas from the parcel when we are talking about density. To do that in this instance would essentially be penalizing someone for having floodplains on their property.

That being said, they were given some recommendations in 2018 and 2019 and they have come back and done that so it is clustered and they are using permeable pavers and things like that. And again kinda getting at some of the issues that have been talked about, the bridge, the road, the flooding- things like that- they will all be addressed during the Use-on-Review and concept phase so the engineers would have to show that their stormwater retention was able to get the stormwater runoff to a level no worse than it is predevelopment and if they can't make those calculations work then they would have to relook at their plan until it could. My take on that if they can't get their calculations to work, they would have to come back with less units or smaller units, or something like that. That's the way the stormwater ordinance works. And that's the charge of engineering. The same thing with the roads, the flooding, the bridge, all that stuff would be looked as part of the traffic impact study, so whether or not the bridge would be widened, or something like that, any of those traffic-related items- sight distance, access points, all that stuff gets looked at with concept review. I hope that answers your questions. Let me know if there is anything else you need.."

Comm. Korbelisk- "To figure density do you include both the floodway and floodplain.

Brooks- MPC- "Yes, we do!

June 2018 Flooding in Oakwood near Christenberry Elementary School

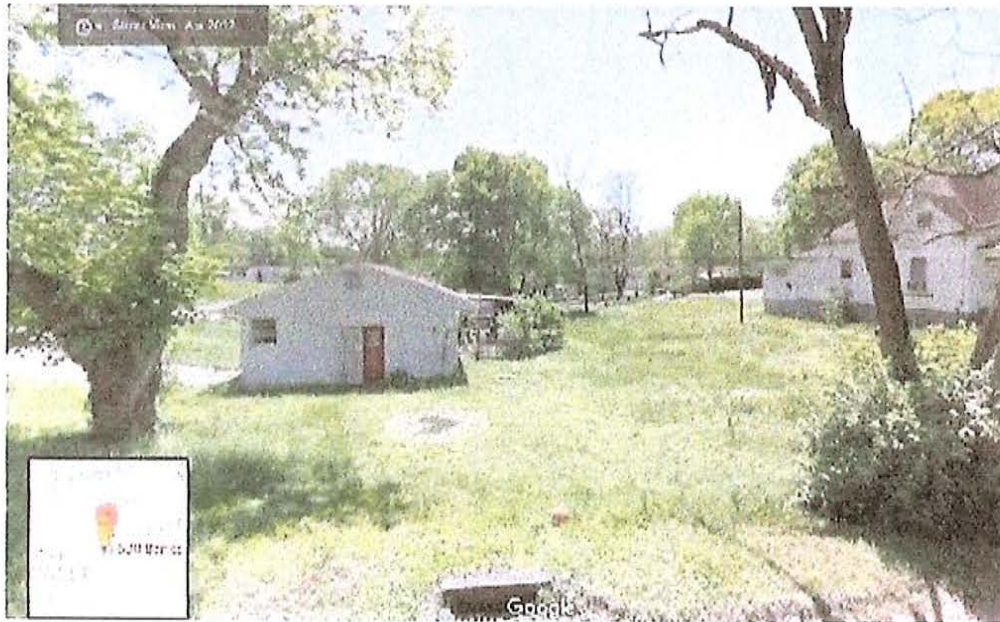


This picture was posted on the Oakwood-Lincoln Park Neighborhood Association Facebook page after a heavy downpour on June 3, 2018. This is Henegar Street between Banks and Shamrock Avenues, a main through fare for Christenberry School. Grade school children walk this area home from school and parents use this road to access the school. This road is three or four blocks from First Creek on North Broadway. Whittle Springs Middle School and Fulton High School are also in close proximity to First Creek.

Thousands of people downstream of the proposed development will be impacted by storm water drainage. This is in addition to the thousands of people in the immediate vicinity of the development and traffic issues.

Banks Avenue Flooding Issues on tributary stream to First Creek

630 Banks Avenue April 2012, photos courtesy Google Street View



630 Banks Avenue September 2014 after house demolished



A house was lost, a taxable property was lost

Banks Avenue Flooding Issues on tributary stream to First Creek

630 Banks Avenue during flood control grade work in 2015, courtesy Google Street view



630 Banks Avenue now designated as Oakwood Natural Area – Purchased by City of Knoxville in 2011. It serves as a flood control area.



The creek continues under additional properties which were dug up to add large culvert pipes to connect the feeder streams earlier this year (2018)

Additional Storm Water and Development Issues for established areas



River of storm water run-off from undeveloped Sharp's Ridge on Hanover Street in February 2018. The bike trails on the ridge are dirt with occasional pavers for wet areas. There is no pavement on any of the trails, just the road on the top that services antennas.

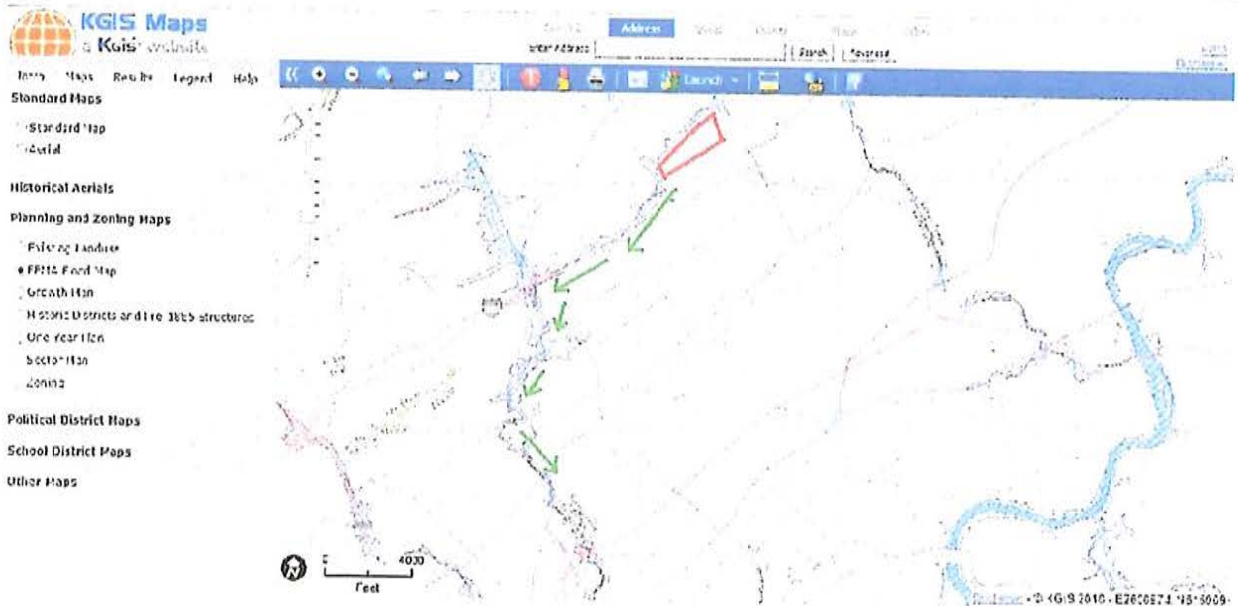


Flooding at an empty lot on Springdale Avenue in February 2018. This lot is a block away from one of the tributary streams in Oakwood. There is no stream listed on the FEMA flood map for this property.

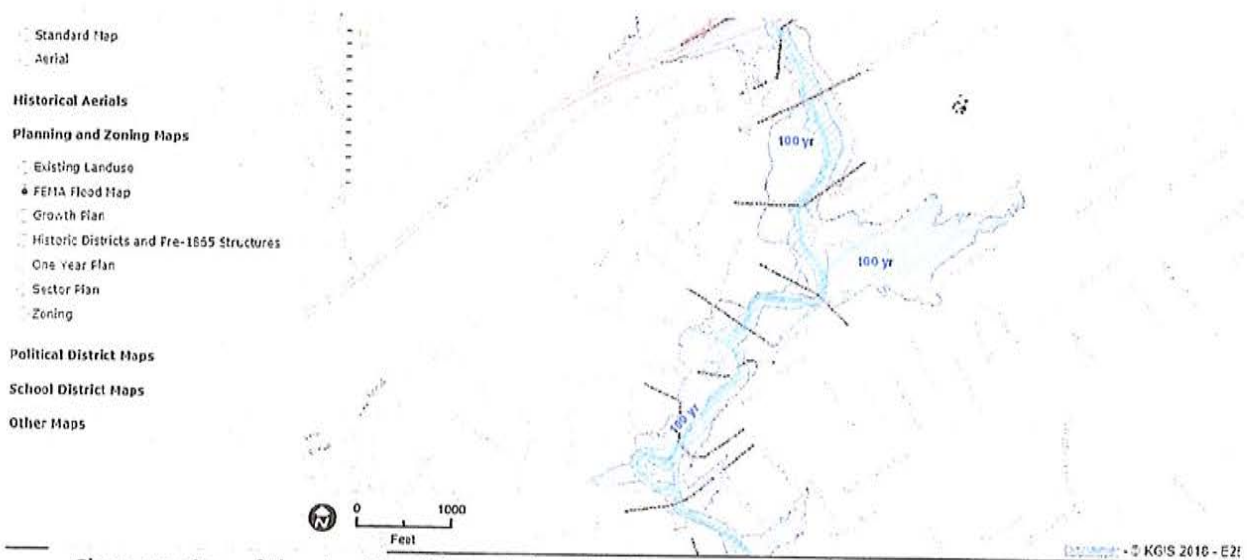


The same lot in June 2018 after infill housing development. Now all the water improperly drains toward the foundation of the fragile historic house next door. Imagine the storm water run-off from 168 houses and where it will go at the proposed Beverly Road development.

FEMA Flood maps of downstream areas



FEMA flood map of North Broadway below I-640. The proposed development is outlined roughly in red, the green arrows show the hundreds of residential and business properties downstream that will be impacted. This area includes Northgate Shopping Center, Northgate Terrace and many small businesses, courtesy KGIS.



Close-up view of the density of the existing development inside the I-640 beltway, courtesy KGIS

North Broadway at Fairmont Emoriland

North Broadway in 2014. Photo courtesy of Google Street View



Not only was a business loss, but tax revenue was lost as the city had to acquire this property for flood control. The improvements cost over \$2 million dollars.

North Broadway at Fairmont Emoriland

North Broadway in 2007. Notice the Pizza Hut in the background. Photos courtesy of Google Street View



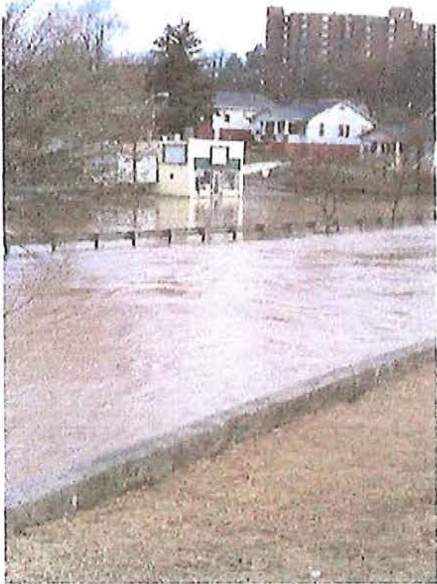
North Broadway in 2011. Notice that a business is lost. The city purchased the property.



North Broadway Flooding Issues

Photos taken February 28, 2011

North Broadway at Woodland Ave below.
The intersection was closed to traffic.



Broadway at Cecil Avenue under water



North Broadway at Woodland Ave road closure



First Creek
flooding at
Fulton
pedestrian
bridge
during same
storm
episode.
North
Broadway
was also
flooded at
the I-640
interchange.

How high's the water, Mama?

Betty Bean April 20, 2018 **Feature, Fountain City**



Arthur Parris points to Beverly Road bridge that is submerged after heavy rains.

Neighbors predict proposed development will multiply flood woes

High water worries are nothing new for Arthur Parris and his extended family. They've lived on the green bottomlands along the banks of White's Creek at the corner of Beverly Road and Oakland Drive for generations, and dealing with flooding is a permanent fact of their lives.

"Water comes a couple of feet over the bridge sometimes. It's been in my next-door neighbor's basement two or three times, and it's gotten two cinder blocks high in my basement," Parris said.

Now, he and his neighbors believe the water will get deeper as a result of the Metropolitan Planning Commission's March 8 vote to amend the North Sector Plan and rezone the property so a developer can proceed with plans to build a subdivision on the steep, wooded hill on the south side of the creek in the spot the neighborhood calls the "swamp and the bluff." For many years, the property was zoned Agricultural, which only allows one dwelling unit per acre. It is located just outside the city limits across the creek from a once-thriving industrial park now fallen on hard times.

MPC's professional planners recommended that the board deny developer Randy Guignard's request to rezone the 88.5-acre parcel from Agricultural to Low Density Residential.

"The North Sector Plan shows property as Agricultural, one unit per acre. When you talk about rough properties, this is about as rough as I've seen," said planner Mike Brusseau. "We do not have information to be able to recommend any more."

But after hearing Guignard's pitch, which included an offer to work with Legacy Parks Foundation to build trails and a greenway in the flood plain, the board voted 9-5 to amend the sector plan and to rezone the property to allow Guignard to build up to 242.5 houses – if he comes up with "creative" ways to protect the property, particularly the slope and the stream.

Guignard also emphasized the need for new homes within the price range he's aiming for. "There are only 11 houses for sale in the 37918 zip code in the \$200,000-230,000 range," he said.

Commissioner Scott Smith, himself a developer, was a no vote. He said he worries about the consequences of this project:

"You've got to build a road at a 30 percent slope adjoining a floodway..." he said, predicting "A big opportunity to make a big mess."

So, the MPC decision has got Parris and his family worried. What will scraping off the ground cover to accommodate a $\frac{3}{4}$ -mile road and 242.5 new homes do to their flood problems?

Nothing good, said Parris. "I think MPC themselves even said the property wasn't that good, then they turned around and they gave him 240-something units. If they do that, it's going to kill us – and not only us. If they clean all that (ground cover) out, this water's going to be down there on Broadway and the money the city's spent on Broadway (flood improvements) is just going to be wasted."

White's Creek joins First Creek near Old Broadway in Fountain City, momentarily emerging from the culverts that imprison it along Greenway Drive before sending the water on southward to the Tennessee River. This confluence is ground zero for the floods that plague the Broadway corridor from Fountain City to the Broadway Shopping Center, damaging homes and businesses along the way. Downstream flooding didn't come up when the MPC commissioners quizzed Guignard about his plans.

Next, Guignard must come up with a concept plan that will satisfy MPC. In the meantime, Parris, whose granddaughter dreams of one day building a home of her own on the family's 5.5 acre parcel, can only wait and worry.

"If it keeps flooding, there won't be any place to build – or maybe we could build up on stilts."

The vote tally:

Carringer pledges 'no' vote on Beverly Road project

Betty Bean May 15, 2018 **Feature, Fountain City**

It was hot and it was heated.

More than 75 North Knoxville/Fountain City residents sweated through an outdoor meeting May 14 to voice their opinions of a proposed residential development on Beverly Road.

Only three of the speakers – the aspiring developer who has purchased an option on 88 acres of hillside land, the property owner who wants to unload it and the Realtor who is selling it – supported the project. Everyone else gave it a thumbs-down, citing flooding and traffic problems that will only get worse if the 169-unit subdivision is built on the side of a steep hill with a flood-prone creek at the bottom.

In March, the Metropolitan Planning Commission approved Randy Guignard's request for rezoning and a sector plan amendment. In April, Knox County Commissioner Michele Carringer asked for a postponement so the aspiring developer could meet with the neighbors.

At the end of the meeting, Carringer, who represents the affected area, announced that she will vote against the rezoning requested by Guignard, owner of Four Seasons Heating and Air.

"I cannot support this," she said. "I'm not against development. I ran on good development, but we cannot cause harm on our neighbors. ... I support what my people believe in, but I have to have five other votes."

She asked attendees to call her commission colleagues, "So they know that it's not just Commissioner Carringer who opposes this."

Guignard said the property is an eyesore and a dumping ground that he will transform into a community asset. His Realtor (most speakers did not give their names) said that thoughtful development could actually improve the flooding problem.

Jim Jennings, who lives on heavily traveled Tazewell Pike just west of the development site, said that area traffic is already unbearable.

"I left the house at 6:15 tonight," he said. "And I had to let 52 cars go by before I could get out of my driveway (to make a right turn). There've been three people killed in front of my house, plus an untold amount of wrecks."

He said the development, which will drain storm water runoff into White's Creek – a major tributary of First Creek, which sometimes floods the Broadway corridor – will increase the area's flooding woes.

"I've seen Litton's under water," he said, referring to the landmark restaurant in the heart of Fountain City. "And I'm a county resident that resides in the city. The city has spent a tremendous amount of money (on flood control). We have fought these battles and it's always the same thing."

"It's the water, it's the flooding. I left work at 6 to come out in 90-degree heat to let people know that common sense needs to prevail."

Other speakers shared stories of wrecks and near-drownings. One Beverly Road resident said she cannot even get to her mailbox safely.

"I have to get up at 6 and move my car across the street if I have an 8 a.m. doctor's appointment. Pedestrians can't even get across the street."

She's worried about increasing the already serious flood problem there, too.

"My youngest son was in the flood and was rescued by (neighbor) Arthur Parris," she said. "There's just too much development. We need to leave a little bit of natural area – let us live the way it is and be peaceful."

When Guignard said it takes development to get roads fixed, someone in the crowd said, "I don't want the roads fixed so they can have more traffic," and was followed by applause.

Toward the end of the meeting, property owner Ray H. Jenkins said it wasn't his aim to offend the neighbors or to tarnish the legacy of his grandfather, from whom he inherited the property. He said he'd be glad to consider a suggestion that the city and the county should get together and purchase the property for flood control.

Developer withdraws rezoning request – again

Betty Bean January 29, 2020 **Fountain City**



Some 120 neighbors of a proposed Beverly Road development stand to show their opposition to the project.

A controversial plan to build a 210-unit subdivision on a steep ridge over flood-prone White's Creek at Beverly Road was shelved Monday night when the developer withdrew his rezoning request from Knox County Commission's agenda after failing to get a 90-day postponement.

Some 120 neighbors turned out for the meeting to show their opposition to the subdivision, which sits on a steep ridge on the county side of the city limits. White's Creek is a major tributary to First Creek, which frequently overflows its banks from Fountain City to the Broadway Shopping Center.

Arthur Parris, the nearest neighbor to the proposed subdivision, is hoping that city and county officials can find a way to get together and fix the area's existing flooding and traffic problems. Parris said he remains hopeful even though he's still waiting for public amenities the city promised when it annexed his family's property more than 50 years ago.

But he's pretty sure that developer Randy Guignard will be back with another version of the subdivision, although he must wait a year to resubmit his plan unless he can come up with something substantially different.

"County commission did what they should have done last night," Parris said. "I believe they were getting ready to vote against (Guignard's) postponement, so he withdrew it – again. He's hell bent and high water to build something over there, and I think the city and the county need to get together for the benefit of the people and look at flooding and traffic issues. Make it a bird sanctuary or a dog park or a biking trail. Turn it into a community asset."

Meanwhile, Parris's neighbors don't appear to like this development any better than they did nearly two years ago when Guignard withdrew his proposal from the commission agenda rather than face a vote on a motion to limit the project to 100 total dwelling units on the 88-acre tract. He said he needed 2.75 per acre to break even.

This time around, Guignard had reason to hope for a better result.

In December, the Knoxville-Knox County Planning Commission (formerly MPC) green lighted his project by a unanimous vote and approved 210 units. He had a gaggle of experienced local consultants on his team, including professional planner Michael Brusseau, one of the project's toughest critics in 2018, when Brusseau worked for the planning commission. Former county stormwater engineering chief Chris Granju, now a consultant, is on Guignard's payroll as well as real estate and land use lawyer John King, a veteran of decades of rezoning battles. Another team member is longtime Realtor Kim Isenberg, who displayed a drawing of an alternative project Guignard could build, which involves metal industrial buildings and an apartment complex.

James McMillan, whose family farm adjoins the east side of Guignard's property isn't as hopeful as Parris. He believes that the county has given Guignard more than his fair share of breaks.

"Six or seven years ago, Guignard came to me looking at that property. I warned him – told him it wasn't fit for nothing. And now he's bought it ... it's on him. The way they've dragged this out is total disrespect to the public. They just want to pander to him, and the hell with us."

The Parris family owned 14 acres along Beverly Road when they were annexed into the city. In the years that passed, Arthur Parris sold off nine acres because of the increased tax burden.

"When we were first annexed, we were promised sidewalks, for one thing. I was a little kid. I'll be 64 my next birthday and I'm still waiting."

It's not easy oppose developers

Unlike consultants or commissioners, citizens aren't compensated for the time they spent getting involved in local government decisions. Here is a rough timeline of public meetings involved with the Beverly Road project. It does not include this week's commission meeting or December's planning commission meeting:

March 8, 2018 – Rezoning on MPC's agenda

May 14, 2018 – More than 100 residents met with the developer – all opposed to the desired density.

May 22, 2018 – Scheduled to be heard on county commission's May 29, 2018, agenda; developer appeared at May 22 work session and asked for a postponement. (Commission Rules Rule I Section N 10, pages 7-8) "An applicant shall be granted one automatic deferral if the deferral request is received in the Commission office before the end of the day prior to the Agenda work session." No decisions or votes are to be taken at the work session. The postponement was granted.

June 25, 2018 – The rezoning was back on county commission's 7 p.m. agenda. A large group was there, but the Fresinius rezoning on John Sevier Highway was moved ahead, so the Beverly Road rezoning did not begin until 10 p.m. and continued until midnight. After a motion and a second, Guignard's attorney said he didn't want a vote to be taken. The chair complied and withdrew the motion. (Commission Rule I Section J 6, page 3): A motion that has been seconded may only be withdrawn by the maker of the motion. In the event a member objects to the withdrawal, or if the person who seconded the motion refuses to withdraw the second, the motion becomes the property of the body and can *only* be withdrawn by a motion to permit withdrawal that requires a second *and* a majority vote of the body. The maker and seconder of the motion were not asked about the withdrawal.

June 7, 2019 – The developer asked for a meeting at a local restaurant with Commissioners Biggs and Carringer. Twelve neighborhood residents crashed the meeting. The developer didn't speak or present anything.

From: Chuck@mltlaw.com,

To: ombroligo@aol.com,

Subject: FW: Request For Zoning Interpretation From BZA

Date: Fri, Feb 3, 2023 10:34 am

Attachments: Reason For Appeal.pdf (25K)

From: Chuck Taylor

Sent: Saturday, March 27, 2021 10:45 AM

To: myers.morton@knoxcounty.org

Subject: Request For Zoning Interpretation From BZA

Myers

I appreciate your talking with me on Thursday. As we discussed, my clients and I are seeking an interpretation of a zoning decision from the BZA. I filed an application, but was called by the Building Inspector who told me that he had talked with you and there were some questions about our application.

I believe that the problem is that most BZA applications seek an appeal from a zoning decision. Our application does not seek an appeal. My clients and I are not appealing or questioning any decision by either the Planning Commission or the County Commission. Those prior decisions, as they relate to our application, are final, and my clients and I agree with them and are not trying to reverse or change them.

Rather, what our application seeks is an "interpretation" of a zoning decision and how it should be applied by a developer. As we discussed, I believe that, under the powers granted to the BZA in the Knox County Zoning Ordinance, the BZA not only has "appellate jurisdiction" over some zoning matters, but it also has "original jurisdiction" to "interpret" zoning issues. That power is granted to the BZA under Section 6.60.03 (D) of the Zoning Ordinance, which provides as follows:

6.60.03. Powers of the board of zoning appeals.

...

D. **To hear and decide**, in accordance with the provisions of article 3, "General provisions," subsection 3.11.04 of this ordinance, **requests for interpretation of the zoning map.**

Specifically, we are asking for an interpretation from the BZA as to whether a developer who has been given a zoning density of "2.51 du/ac" can apply that figure to all 80 acres of his development, or whether he is restricted and can only apply it to the 61 acres of the development that are not zoned as "floodway." I elaborated on this issue in a "Reason For Appeal" included in our application to the BZA, and which is attached to this email for your review.

As I indicated to you during our conversation, I originally intended to raise this issue in a Complaint for Declaratory Judgment that I was going to file against the developer in Chancery Court. After some research, however, I concluded that the BZA has the power to give us an interpretation, and, therefore, I needed to "exhaust my administrative remedies" before going into Chancery Court. If the Building Inspector doesn't allow us to file our application to the BZA, and Chancery Court later says we didn't exhaust our administrative remedies, then my clients have no way to obtain the interpretation we need.

Accordingly, all that we are asking is that we be allowed to present this issue before the BZA. If they decide that they don't have the power, or don't want, to give us an interpretation, and they dismiss our application, then I will have fulfilled my obligation to first seek administrative review, and I should then be safe in pursuing the matter in Chancery Court.

Hopefully, you and the Building Inspector will allow our application to go forward so that the BZA can take action one way or the other.

Thanks for your help.

Chuck Taylor
(865) 603-8633
ctaylor@mltlaw.com

REASON FOR APPEAL

This appeal concerns two parcels of property owned by Randy Guignard, d/b/a Café International, LLC, located on the east side of Beverly Road and north of Greenway Drive. The two parcels consist of approximately 80 acres of mostly steep ridge line, and was originally zoned "I (Industrial) / RB (General Residential) / F (Floodway)." Of the total acreage, approximately 19 acres are zoned "floodway," and no development is permitted on that acreage. Whites Creek is the watershed for the property and is subject to periodic flooding.

On November 30, 2020, the owner filed an application with the Planning Commission requesting that the property be rezoned to "196 dwelling units on 61 acres = 3.22 du/ac." His request was not granted, and, instead, the Planning Commission approved "PR (Planned Residential) zoning with a density of 2.51 du/ac." The Planning Commission reduced the requested density, in part, because of the "steep slopes" of the proposed development and the threat of flooding in the creek below the ridge line. The Planning Commission further provided that "development should not occur in the floodplains or the floodway."

On February 22, 2021, the Knox County Commission also approved a density for the proposed development of "2.51 du/ac." The County Commission's decision has become final and is no longer subject to an appeal.

The appellant is the attorney for a number of residents who live below the ridge line and are subject to periodic flooding from Whites Creek. The amount of flooding that they will experience in the future is directly related to the number of units that may be constructed on the ridge line by the property owner.

The property owner has stated that, notwithstanding that the Planning Commission and County Commission reduced the approved density on the property from 3.22 du/ac to 2.51 du/ac, he nevertheless still intends to construct approximately 200 units on the subject property. This number has been calculated by the owner applying the approved density of 2.51 du/ac to all of the property, including not only the 61 acres requested in his original application, but the 19 acres of "floodway," as well. If the owner is allowed to include "floodway" acreage in the density calculations, then the resulting total number of units will be inconsistent with the Knox County Zoning Ordinance and previous zoning decisions. Those decisions have not allowed density calculations to be applied to "floodway" acreage.

Section 6.60.03 (D) of the Zoning Ordinance for Knox County gives the Board of Zoning Appeals the power to "hear and decide ... requests for interpretation of the zoning map." The appellant and his clients respectfully request that the Board of Zoning Appeals interpret and provide an opinion as to whether the property owner can lawfully apply the 2.51 du/ac density figure to the entire 80 acres of property, or only to the approximately 61 acres of "non-floodway" zoned property requested in his original application.

From: Chuck@mltlaw.com,
To: ombroligo@aol.com,
Subject: FW: [External]Request For Zoning Interpretation From BZA
Date: Fri, Feb 3, 2023 10:35 am

From: Chuck Taylor
Sent: Tuesday, March 30, 2021 10:09 AM
To: Myers Morton <Myers.Morton@knoxcounty.org>
Cc: Rhonda Bennett <Rhonda.Bennett@knoxcounty.org>; Steve Elliott <Steve.Elliott@knoxcounty.org>; Kim Jarnagin <Kim.Jarnagin@knoxcounty.org>; Jim Snowden <Jim.Snowden@knoxcounty.org>
Subject: RE: [External]Request For Zoning Interpretation From BZA

Myers

Thank you for your quick response to my email. Yes, I believe that the BZA has the power to interpret more than boundaries on zoning maps.

In T.C.A. § 13-7-109 (2) that you referenced, I understand the word "interpretation" to apply both to the words, "the map," and to, "**decisions**," which follow the word, "interpretations." In other words, where the statute says "hear and decide ... requests ... for interpretations of the map **or for decisions** ...," it means that the BZA can hear and decide ... requests ... for interpretations of "the map" [and requests for interpretations] of "**decisions**."

Rather than us argue a question of "statutory construction," I suggest that we allow the BZA to decide the limits of their powers. As you know, all decision makers, whether it be courts or administrative bodies, have the "jurisdiction to determine their own jurisdiction."

Once we present the issue to the BZA, and they hear our respective arguments on the matter, then they can decide whether to accept or reject our application. That will then allow me to move forward in Chancery Court, if necessary.

Thanks,
Chuck

From: Myers Morton [mailto:Myers.Morton@knoxcounty.org]
Sent: Sunday, March 28, 2021 2:01 PM
To: Chuck Taylor <Chuck@mltlaw.com>
Cc: Rhonda Bennett <Rhonda.Bennett@knoxcounty.org>; Steve Elliott <Steve.Elliott@knoxcounty.org>; Kim Jarnagin <Kim.Jarnagin@knoxcounty.org>; Jim Snowden <Jim.Snowden@knoxcounty.org>
Subject: RE: [External]Request For Zoning Interpretation From BZA

Thanks Chuck,

I have some questions.

First, if I read the Board's power set forth in the Knox County Zoning Ordinances (and Tennessee Code Annotated) to "interpret" the zoning map, the Board may only have the power to interpret and set unclear "boundaries."

Do you have a deadline to file your declaratory judgment action?

In Knox County Zoning Ordinances, more particularly "Powers of the board of zoning appeals," I note section "D" that you have cited me to.

6.60.03. *Powers of the board of zoning appeals.*

...D. To hear and decide, ***in accordance with*** the provisions of [article 3](#), "General provisions," ***subsection 3.11.04 of this ordinance, requests for interpretation of the zoning map.***

Section 3.11 is titled "Boundaries."

3.11.04. In cases of final uncertainty the board of zoning appeals shall interpret the zoning map to fix the exact location of boundaries.

So far, it appears the Board only has power of interpreting the Zoning Ordinances when it comes to unclear boundaries.

Knox County is a governmental entity with limited powers. If the powers are not expressly provided, we do not have the power.

T.C.A. § 13-7-109. Powers of board of appeals.

The board of appeals has the power to:

(1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the county building commissioner or any

other administrative official in the carrying out or enforcement of any ordinance enacted pursuant to this part;

(2) Hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass; and

(3) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under such sections would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinances.

T.C.A. seems to provide the same limited "interpretation" rights. Knox County's Zoning Ordinances seems to limit the power to unclear boundaries. There appear to be no other powers to interpret anything else.

I will continue to research, but I read that the Board has the power to interpret zoning maps and where boundaries are unclear, set the boundaries. PERIOD. No further or otherwise.

What do you think? Do you agree?

Myers

J. Myers Morton
Knox County Deputy Law Director
Suite 612, City-County Building
400 Main Street
Knoxville, Tennessee 37902

Cell: (865) 680-8424
Office (865) 215-2327
Fax (865) 215-2936

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From: Chuck Taylor <Chuck@mltlaw.com>
Sent: Saturday, March 27, 2021 10:45 AM
To: Myers Morton <Myers.Morton@knoxcounty.org>
Subject: [External]Request For Zoning Interpretation From BZA

Myers

I appreciate your talking with me on Thursday. As we discussed, my clients and I are seeking an interpretation of a zoning decision from the BZA. I filed an application, but was called by the Building Inspector who told me that he had talked with you and there were some questions about our application.

I believe that the problem is that most BZA applications seek an appeal from a zoning decision. Our application does not seek an appeal. My clients and I are not appealing or questioning any decision by either the Planning Commission or the County Commission. Those prior decisions, as they relate to our application, are final, and my clients and I agree with them and are not trying to reverse or change them.

Rather, what our application seeks is an "interpretation" of a zoning decision and how it should be applied by a developer. As we discussed, I believe that, under the powers granted to the BZA in the Knox County Zoning Ordinance, the BZA not only has "appellate jurisdiction" over some zoning matters, but it also has "original jurisdiction" to "interpret" zoning issues. That power is granted to the BZA under Section 6.60.03 (D) of the Zoning Ordinance, which provides as follows:

6.60.03. Powers of the board of zoning appeals.

...

D. **To hear and decide**, in accordance with the provisions of article 3, "General provisions," subsection 3.11.04 of this ordinance, **requests for interpretation of the zoning map**.

Specifically, we are asking for an interpretation from the BZA as to whether a developer who has been given a zoning density of "2.51 du/ac" can apply that figure to all 80 acres of his development, or whether he is restricted and can only apply it to the 61 acres of the development that are not zoned as "floodway." I elaborated on this issue in a "Reason For Appeal" included in our application to the BZA, and which is attached to this email for your review.

As I indicated to you during our conversation, I originally intended to raise this issue in a Complaint for Declaratory Judgment that I was going to file against the developer in Chancery Court. After some research, however, I concluded that the BZA has the power to give us an interpretation, and, therefore, I needed to "exhaust my administrative remedies" before going into Chancery Court. If the Building Inspector doesn't allow us to file our application to the BZA, and Chancery Court later says we didn't exhaust our administrative remedies, then my clients have no way to obtain the interpretation we need.

Accordingly, all that we are asking is that we be allowed to present this issue before the BZA. If they decide that they don't have the power, or don't want, to give us an interpretation, and they dismiss our application, then I will have fulfilled my obligation to first seek administrative review, and I should then be safe in pursuing the matter in Chancery Court.

Hopefully, you and the Building Inspector will allow our application to go forward so that the BZA can take action one way or the other.

Thanks for your help.

Chuck Taylor
(865) 603-8633
ctaylor@mltlaw.com

>>>CAUTION<<<

This message originates outside of the Knox County email system. Use caution if this message contains attachments, links or requests for information.

From: Chuck@mltlaw.com,
To: ombroligo@aol.com,
Subject: FW: [External]Request For Zoning Interpretation From BZA
Date: Fri, Feb 3, 2023 10:35 am

From: Chuck Taylor
Sent: Monday, May 3, 2021 8:30 AM
To: Myers Morton <Myers.Morton@knoxcounty.org>
Subject: RE: [External]Request For Zoning Interpretation From BZA

Myers

Have you made a decision yet on whether you are going to allow my clients to file an application to the BZA? I realize that the Board may refuse to hear our application, but we would at least like to have the opportunity to submit it to them for consideration.

Thanks,
Chuck Taylor

From: Myers Morton <Myers.Morton@knoxcounty.org>
Sent: Sunday, March 28, 2021 2:01 PM
To: Chuck Taylor <Chuck@mltlaw.com>
Cc: Rhonda Bennett <Rhonda.Bennett@knoxcounty.org>; Steve Elliott <Steve.Elliott@knoxcounty.org>; Kim Jarnagin <Kim.Jarnagin@knoxcounty.org>; Jim Snowden <Jim.Snowden@knoxcounty.org>
Subject: RE: [External]Request For Zoning Interpretation From BZA

Thanks Chuck,

I have some questions.

First, if I read the Board's power set forth in the Knox County Zoning Ordinances (and Tennessee Code Annotated) to "interpret" the zoning map, the Board may only have the power to interpret and set unclear "boundaries."

Do you have a deadline to file your declaratory judgment action?

In Knox County Zoning Ordinances, more particularly “Powers of the board of zoning appeals,” I note section “D” that you have cited me to.

6.60.03. *Powers of the board of zoning appeals.*

...D. To hear and decide, ***in accordance with*** the provisions of [article 3](#), “General provisions,” ***subsection 3.11.04 of this ordinance, requests for interpretation of the zoning map.***

Section 3.11 is titled “**Boundaries.**”

3.11.04. In cases of final uncertainty the board of zoning appeals shall interpret the zoning map to fix the exact location of boundaries.

So far, it appears the Board only has power of interpreting the Zoning Ordinances when it comes to unclear boundaries.

Knox County is a governmental entity with limited powers. If the powers are not expressly provided, we do not have the power.

T.C.A. § 13-7-109. Powers of board of appeals.

The board of appeals has the power to:

(1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the county building commissioner or any other administrative official in the carrying out or enforcement of any ordinance enacted pursuant to this part;

(2) Hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass; and

(3) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under such sections would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinances.

T.C.A. seems to provide the same limited “interpretation” rights. Knox County’s Zoning Ordinances seems to limit the power to unclear boundaries. There appear to be no other powers to interpret anything else.

I will continue to research, but I read that the Board has the power to interpret zoning maps and where boundaries are unclear, set the boundaries. PERIOD. No further or otherwise.

What do you think? Do you agree?

Myers

J. Myers Morton
Knox County Deputy Law Director
Suite 612, City-County Building
400 Main Street
Knoxville, Tennessee 37902

Cell: (865) 680-8424
Office (865) 215-2327
Fax (865) 215-2936

CONFIDENTIAL:

This is a privileged and confidential communication under the common interest doctrine, joint defense agreement or attorney client privilege, and is intended only for the person(s) to whom it is addressed. It is not to be divulged in part or in whole, nor is the substance of it to be divulged in part or in whole, to anyone other than the addressee(s) without the express permission of the sender. If you have received this message and are not the intended recipient, please notify the Knox County Law Director's Office immediately at 865-215-2327, and delete the message from your system. Thank you.

From: Chuck Taylor <Chuck@mltlaw.com>

Sent: Saturday, March 27, 2021 10:45 AM

To: Myers Morton <Myers.Morton@knoxcounty.org>

Subject: [External]Request For Zoning Interpretation From BZA

Myers

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I believe that the problem is that most BZA applications seek an appeal from a zoning decision. Our application does not seek an appeal. My clients and I are not appealing or questioning any decision by either the Planning Commission or the County Commission. Those prior decisions, as they relate to our application, are final, and my clients and I agree with them and are not trying to reverse or change them.

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Hopefully, you and the Building Inspector will allow our application to go forward so that the BZA can take action one way or the other.

Thanks for your help.

Chuck Taylor
(865) 603-8633
ctaylor@mtlaw.com

>>>CAUTION<<<

This message originates outside of the Knox County email system. Use caution if this message contains attachments, links or requests for information.

From: Chuck@mltlaw.com,

To: ombroligo@aol.com,

Subject: FW: Concept Plan and Development Plan In Violation Of Rezoning Ordinance

Date: Fri, Feb 3, 2023 10:31 am

Attachments: Exhibit 1 - Development Request.pdf (3294K), Exhibit 2 - 5.70 F Floodway Zone.pdf (606K), Exhibit 3 - Cardwell Rezoning.pdf (720K), Exhibit 4 - Marshall Rezoning.pdf (770K), Exhibit 5 - 2019 Rezoning Request.pdf (2290K),

From: Chuck Taylor

Sent: Tuesday, November 29, 2022 1:35 PM

To: 'tblakney@eblaw.us' <tblakney@eblaw.us>

Cc: 'mike.reynolds@knoxplanning.org' <mike.reynolds@knoxplanning.org>;
'jeff.welch@knoxplanning.org' <jeff.welch@knoxplanning.org>

Subject: Concept Plan and Development Plan In Violation Of Rezoning Ordinance

Ms. Blakney

I have been advised that you are the attorney for the Knoxville-Knox County Planning Commission. I am the attorney for Fountain City Town Hall, Tazewell Pike-Beverly Station Neighborhood, and other associations representing over 700 families living near Tazewell Pike and Beverly Road.

I am contacting you regarding a matter that is scheduled to appear before the Agenda Review meeting on December 6, and the Planning Commission meeting on December 8. Some of my clients and I plan to attend those meetings to oppose a Concept Plan and Development Plan (collectively, the "Plans") being submitted for approval by a developer. We are opposing the Plans because they are in blatant violation of a Knox County Commission rezoning and the County Zoning Ordinance. In brief, the total number of dwelling units shown on the developer's Plans (196) violates the Knox County Zoning Ordinance by applying the

Planned Residential (PR) approved density of "up to 2.51 du/ac" to his entire tract, including the portion that is zoned "F Floodway."

The Planning Commission file numbers for the Concept Plan and Development Plan in question are 12-SC-22-C / 12-C-22-DP. The property is owned by Cafe International, LLC (See Exhibit 1 - "Development Request"). The tract consists of 84.56 acres located in Knox County, all outside the City of Knoxville. Of the total acreage, 61 acres are zoned "PR Planned Residential Zone," and the remainder (approximately 24 acres) are zoned "F Floodway Zone." (See Page 6 of Exhibit 1).

As I am sure that you are aware, "F Floodway" is a specific base Zoning District established by Knox County Ordinance. Pursuant to Knox County Ordinance "5.70.02 Uses permitted," no houses of any kind are permitted in a Floodway Zone, and "5.70.04(B)(1)" provides that "no structures for human habitation shall be permitted" on property zoned F-Floodway. (See Exhibit 2 - "5.70 F Floodway Zone"). It is also important to note that, unlike in the City of Knoxville, where there is a "Floodplain Overlay Zone," the "F Floodway Zone" in Knox County is a "base" zone. As a result, the "F Floodway Zone" cannot be used for density calculations. (See Exhibit 3 - "Cardwell Rezoning," comment under Staff Recommendation).

I am attaching a recent "Rezoning Report" for another piece of property, in which the Planning Commission affirmed that acreage located in a County "F Floodway Zone" cannot be included in density calculations. (See Exhibit 4 - "Marshall Rezoning"). In that Rezoning Report, the subject property consisted of 19.68 acres, of which 8.22 acres were in an "F Floodway Zone." The Planning Commission granted a PR rezoning with a density of 5 dwelling units per acre. The Commission, however, made it clear that the

density calculations could not include the acreage in the "F Floodway Zone," and stated as follows:

3. 8.22 acres of the site remains in the F (Floodway) zone and cannot be counted toward the density calculation for the residential development of the PR (Planned Residential) portion of the site when a site plan is submitted for use on review.

4. The PR (Planned Residential) zone would be limited to the remaining 11.46 acres of the site. At 5 du/ac, the maximum number of dwelling units is 57.

The property which is the subject of this email is scheduled for a Concept Plan and Development Plan review on December 8. Unfortunately, it has a long and problematic history. When the developer originally applied for rezoning in 2018, the Planning Commission staff recommended a density of "up to 1 du/ac," or 61 units. The staff followed the provisions of the County Zoning Ordinance and did not include any "F Floodway" acreage in the density calculations. At the March 2018 Planning Commission meeting, the density was increased to "up to 2.75 du/ac," or 167 units, again using only the 61 acres that are not in the "F Floodway Zone." Later, in June of 2018, when the Knox County Commission threatened to reduce the density to 1.5 du/ac, the developer withdrew his rezoning request.

In October of 2019, the developer again applied for rezoning. A copy of his rezoning application is attached. (See Exhibit 5 - "2019 Development Request"). In this new application, the developer asked for a rezoning to PR with a density of 3.5 du/ac, or 210 units. In his rezoning request, it is clear that the developer knew that he could not include the "F Floodway Zone" acreage in his density calculations, and he did not attempt to do so. (See Page 2 of Exhibit 5, under "Zoning"). His request for 210 units only includes the 61 acres that are outside of the "F Floodway Zone."

(3.5 du/ac X 61 acres = 213 units). When the rezoning came before the Knox County Commission for a second time in January of 2020, the Commission once again made it clear that it was not going to give the developer the density that he wanted. As a result, the developer again withdrew his rezoning request.

The developer made a third attempt at rezoning in 2020, and was granted a PR rezoning with a density of "up to 2.51 du/ac" on a portion of the property, with the remainder zoned "F Floodway." This rezoning and density were later approved by the Knox County Commission on February 22, 2021. As a result, the current, legal zoning of the subject property is PR with a density of "up to 2.51 du/ac, and F Floodway."

Following the Knox County Commission meeting, my clients and I became aware that the developer was going to attempt to circumvent the Knox County Zoning Ordinance by applying the "up to 2.51 du/ac" density he was granted to all of his tract, including that designated as "F Floodway." As a result, I attempted to file an appeal with the Board of Zoning Appeals (BZA), but was not allowed to do so. My clients and I were told that we must wait until the matter came before the Planning Commission for Concept Plan and Development Plan review before we could challenge the legality of the developer's actions.

Unfortunately, as we anticipated, the developer has decided to ignore zoning regulations in the Concept Plan and Development Plan that he submitted to the Planning Commission on October 24, 2022. (See Exhibit 1 - "Development Request"). In his Plans, the developer is asking that he be allowed to build 196 units. That number can only be obtained by applying the approved density of "up to 2.51 du/ac" to all 84.56 acres of his property (which includes the Floodway Zone). If the developer had followed the County Zoning Ordinance, and limited the 2.51 du/ac maximum density to

just the 61 acres that are zoned "Planned Residential," and not "F Floodway Zone," then the maximum number of units that the developer can build is 153 units. ($2.51 \text{ du/ac} \times 61 \text{ acres} = 153.11 \text{ units}$).

If the developer is allowed to ignore the zoning regulations, and include acreage zoned "F Floodway" in his density calculations, then the result will be a flagrant violation of the Knox County Zoning Ordinance, as well as established procedures followed by the Planning Commission. As a result, the developer's Concept Plan and Development Plan, providing for 196 dwelling units, must not be approved.

As noted above, some of my clients and I plan to attend the Agenda Review Meeting on December 6. We believe that is the best forum for discussing this obvious violation of zoning regulations. I will be happy to answer any questions that you have, either at the meeting or before then. Please feel free to contact me at any time at (865) 603-8633 or ctaylor@mltlaw.com. Thanks in advance for your help.

Charles G. Taylor, III
McDONALD, LEVY & TAYLOR
Attorneys at Law
10805 Kingston Pike
Knoxville, Tennessee 37934

5.70. F Floodway Zone.

5.70.01. *General description.* The F, Floodway Zones, are established for the purpose of meeting the needs of the streams to carry floodwaters of a five hundred (500) year frequency flood and protecting the river, creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.

5.70.02. *Uses permitted.* The following open-type uses are permitted in the F, Floodway Zones, subject to approval of the county engineer and to such conditions the county engineer may specify to protect the public interest.

A. *Adjacent to agricultural, residential, and estate zones.*

1. Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing and other agricultural uses which are of the same or a closely similar nature.
2. Railroads, streets, bridges, and public utility wire and pipe lines for transmission and local distribution purposes.
3. Public parks and playgrounds, and outdoor private clubs including but not limited to country clubs, swimming clubs and tennis clubs, provided that no principal building is located in the floodway.
4. Recreational camp, campgrounds, and camp trailer parks, provided that restroom facilities shall be located and constructed in accordance with the health department requirements.
5. Commercial excavation of natural materials and improvements of a stream channel.
6. Yard sales and rummage sales.

B. *Adjacent to commercial and shopping center zones.*

1. Any of the above permitted uses.
2. Archery range, drive-in theaters, miniature golf courses, and golf driving ranges.
3. Loading and unloading areas, parking lots, used car lots.

C. *Adjacent to an industrial zone.*

1. Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing, and other agricultural uses which are of the same or closely similar nature.
2. Storage yards for equipment and material not subject to major damage by flood, provided such use is accessory to a use permitted in an adjoining district.
3. Parking lots.
4. Railroads, streets, bridges, and utility lines.
5. Yard sales and rummage sales.

5.70.03. *Uses permitted on review.*

- A. Marinas and boat livery, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.
- B. Accessory uses similar to those permitted in the adjoining zones.

5.70.04. *County engineer approval.*

- A. No permit shall be issued for the construction of any building or structure including railroads, streets, bridges, and utility lines or for any use within a F, Floodway Zone, until the plans for such construction or use have been submitted to the county engineer and approval is given in writing for such construction or use.
- B. In the review of plans submitted, the county engineer shall be guided by the following standards, keeping in mind that the purpose of this zone is to prevent encroachment into the floodway which will increase flood heights and endanger life and property.
 - 1. Any structures or filling of land permitted shall be of a type not appreciably damaged by floodwaters, **provided no structures for human habitation shall be permitted.**
 - 2. Any use permitted shall be in harmony with and not detrimental to the uses permitted in the adjoining zone.
 - 3. Any permitted structures or the filling of land shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to and effect upon the flow of water.
 - 4. Any structure, equipment or material permitted shall be firmly anchored to prevent it from floating away and thus damaging other structures and threatening to restrict bridge openings and other restricted sections of the stream.
 - 5. Where in the opinion of the county engineer topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure or fill on the flow of water, the county engineer may require the applicant to submit such data or other studies prepared by competent engineers and other technical people.
 - 6. The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the county or by any officer or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto.

5.70.05. *Limited rezoning.* Property in an F, Floodway Zone, may be rezoned to any requested zoning classification; provided however, that such rezoning, if otherwise appropriate, shall be granted subject to all requirements, conditions and regulations relating to grading, filling, drainage and general site preparations established by and placed on said property by the planning commission, the county engineer or the county commission. The resolution approving such limited rezoning shall become effective when the above mentioned conditions and requirements have been fully satisfied and written approval of same is transmitted from the executive director of the planning commission to the supervisor of the county department of code administration and inspection. No building permits shall be issued for and no construction shall commence on any such rezoned property until all the conditions, requirements and regulations hereinabove mentioned have been fully and completely satisfied and the aforesaid written approval of the executive director of the planning commission has been received by the supervisor of the county department of code administration and inspection.

5.70.06. *Off-street parking.* As regulated in section 3.50 of these regulations.

5.70.07. *Signs.* Signs as permitted by section 3.90 of this resolution.

(Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101, § 1, 3-28-22)



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

W. Scott Williams & Associates
Applicant Name

Engineer
Affiliation

10/24/2022
Date Filed

12/8/2022
Meeting Date (if applicable)

File Number(s)

12-SC-22-C_12-C-22-DP

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

Scott Williams
Name

W. SCOTT WILLIAMS & ASSOCIATES
Company

4530 Annalee way
Address

Knoxville
City

TN
State

37921
ZIP

865-692-9809
Phone

wscottwill @ comcast.net
Email

CURRENT PROPERTY INFO

Cafe International LLC 2109 Dutch Valley Dr. Knox, TN 37918 865-244-8050
Property Owner Name (if different) Property Owner Address Property Owner Phone

- ① New Beverly Baptist Church Rd.
② 4760 Beverly Rd.
Property Address

059 002
059 00201
Parcel ID

KUB
Sewer Provider

KUB
Water Provider

Septic (Y/N)

STAFF USE ONLY

Northeast side of Beverly Rd, north of Greenway Dr

- ① Parcel to NW of (Approx 12 mi) Greenway Dr + New Beverly Baptist Church Rd.
② Parcel to E of intersection of Beverly Rd + Greenway Dr.
General Location

84.56 acres
Tract Size

☐ City ☒ County

8
8
District

F and
> PR < 2.51 DU/AC
Zoning District

> Ag for Vac
Existing Land Use

North City
Planning Sector

LDR & HP & SP
Sector Plan Land Use Classification

> Urban Growth
Growth Policy Plan Designation

August 29, 2022

DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify)

Other (specify) Attached and detached residential subdivision

SUBDIVISION REQUEST

The Preserve at Whites Creek
Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number ☐ Combine Parcels ☒ Divide Parcel 196
Total Number of Lots Created

1-E-21-RZ

☐ Other (specify) Attached and detached residential subdivision

☐ Attachments / Additional Requirements

ZONING REQUEST

☐ Zoning Change
Proposed Zoning

Pending Plat File Number

☐ Plan Amendment Change
Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Rezoning Requests

☐ Other (specify)

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☐ Planning Commission

Fee 1

Total

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

102

Concept Plan

Fee 2

ADDITIONAL REQUIREMENTS

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

Fee 3

\$1,600

MR

AUTHORIZATION

Applicant Signature

SCOTT WILLIAMS
Please Print

10/12/22
Date

865-692-9809
Phone Number

wscothwill@comcast.net
Email

Property Owner Signature

Randy Guignard
Please Print

10/14/22
Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.



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

W. Scott Williams & Associates

Applicant Name

Affiliation

10/25/2022

Date Filed

12/8/2022

Meeting Date (if applicable)

12-SC-22-C / 12-C-22-DP

File Number(s)

CORRESPONDENCE

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

W. Scott Williams W. Scott Williams and Associates

Name / Company

4530 Annalee Way Way Knoxville TN 37921

Address

865-692-9809 / wscottwill@comcast.net

Phone / Email

CURRENT PROPERTY INFO

Randy Guinard Cafe International LLC

Owner Name (if different)

2109 Dutch Valley Dr Knoxville TN 37918

Owner Address

865-244-8050

Owner Phone / Email

4760 BEVERLY RD / 0 NEW BEVERLY BAPTIST CHURCH RD

Property Address

59 00201,002

Parcel ID

Part of Parcel (Y/N)?

84.56 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northeast side of Beverly Rd, north of Greenway Dr

General Location

☐ City Commission District 8 PR (Planned Residential), F (Floodway)
☒ Count District Zoning District

Agriculture/Forestry/Vacant Land
Existing Land Use

North City

Planning Sector

LDR (Low Density Residential), HP (Hillside Protection), S

Sector Plan Land Use Classification

Urban Growth Area (Outside City Limit
Growth Policy Plan Designation

DEVELOPMENT REQUEST

☒ Development Plan ☐ Planned Development ☐ Use on Review / Special Use
☐ Hillside Protection COA ☐ Residential ☐ Non-residential

Related City Permit Number(s)

Home Occupation (specify)

Other (specify) **Attached and detached residential subdivision**

SUBDIVISION REQUEST

The Preserve at Whites Creek

Related Rezoning File Number

Proposed Subdivision Name

196

Unit / Phase Number

☒ Split Parcels

Total Number of Lots Created

Additional Information

☐ Attachments / Additional Requirements

ZONING REQUEST

☐ Zoning Change

Pending Plat File Number

Proposed Zoning

☐ Plan

Amendment

Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Zoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

Staff Review

☐ Planning Commission

Fee 1

Total

\$1,600.00

ATTACHMENTS

☐ Property Owners / Option Holders

☐ Variance Request

Fee 2

ADDITIONAL REQUIREMENTS

☐ COA Checklist (Hillside Protection)

☐ Design Plan Certification (Final Plat)

Fee 3

☒ Site Plan (Development Request)

☐ Traffic Impact Study

☐ Use on Review / Special Use (Concept Plan)

AUTHORIZATION

Applicant Signature **W. Scott Williams & Associates**
Please Print

10/25/2022
Date

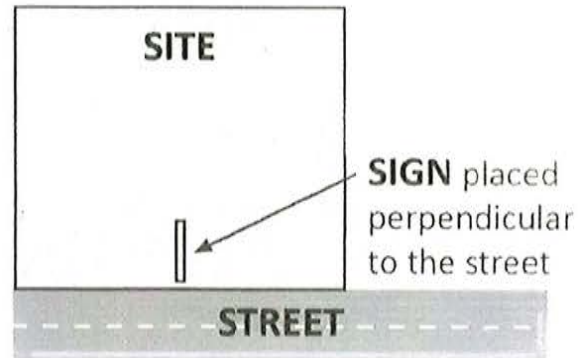
Phone / Email

Property Owner Signature **Randy Guinard Cafe International LLC**
Please Print

10/25/2022
Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.

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:

_____ 11/25/2022 _____ and _____ 12/9/2022 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: W. Scott Williams & Associates

Date: 10/25/22

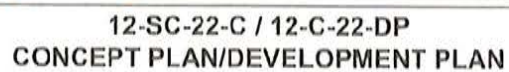
File Number: 12-C-22-C_12-C-22-DP

☒

Sign posted by Staff

☐

Sign posted by Applicant



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2008-06-16 14:35

VICINITY MAP

SITE DATA

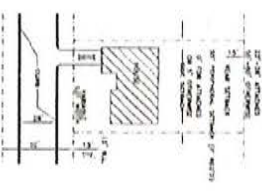
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LEGEND

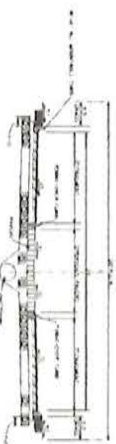
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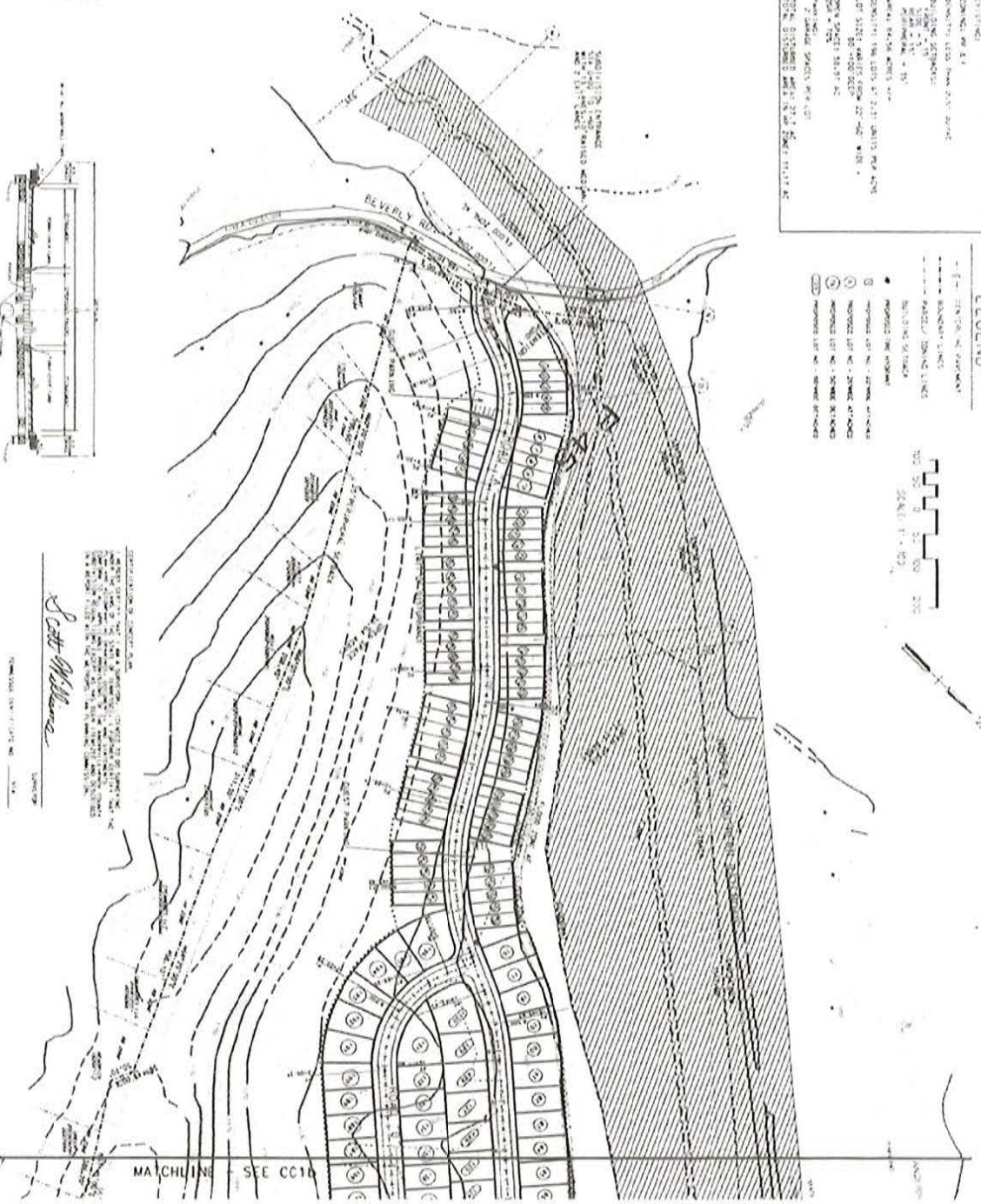
TYPICAL LOT LAYOUT
AND DRIVEWAY CONNECTION

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12-SC-22-C / 12-C-22-D)
 Provided: 11/21/2022

FOR REVIEW - NOT FOR CONSTRUCTION

CONCEPT PLAN

THE PRESERVE AT
WHITES CREEK
4160 BEVELY ROAD
FVOR COUNTY, TENNESSEE
MAP 009 PARCELS 002 A, 002 B
SHEPARD, TENNESSEE

REVISIONS		
NO.	DATE	DESCRIPTION
1	9/2/22	PN COMM

CLIENTS

CAFE INTERNATIONAL, LLC

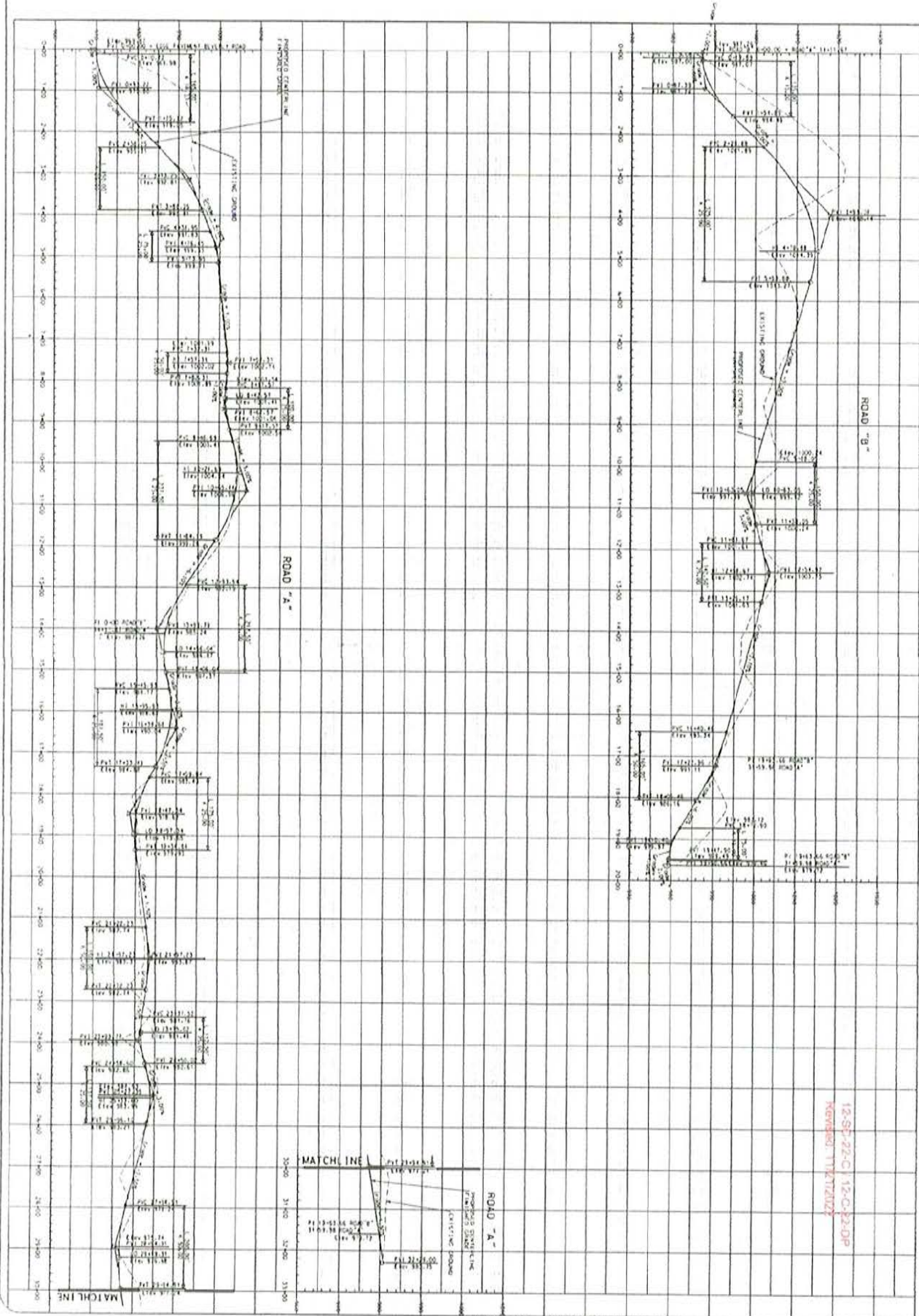


W. SCOTT WILLIAMS & ASSOCIATES



09/08/2022
CC10

SCALE: HORIZ. 1"=100', VERT. 1"=10'



FOR REVIEW - NOT FOR CONSTRUCTION

CLIENT

CAFE INTERNATIONAL, LLC

1400 FORTNITE CAFE ROAD
NASHVILLE, TN 37203
TEL: 615.311.4400

DATE: OCT. 20, 2022

CC2

W. SCOTT WILLIAMS & ASSOCIATES

1530 Appleton Dr.
Nashville, TN 37203
TEL: 615.259.3700
WWW.WSWILLIAMS.COM

PROJ. NO. 2022-001
SHEET NO. 1 OF 1



ROAD PROFILES

THE PRESERVE AT WHITES CREEK

4700 BEVELY ROAD
KNOX COUNTY, TENNESSEE
CLT MAP 208 PARCELS 102 A - 207, 01
374 CIVIL DISTRICT

REVISIONS	
NO.	DATE / DESCRIPTION

REZONING REPORT

► **FILE #:** 7-I-20-RZ

AGENDA ITEM #: 16

AGENDA DATE: 7/9/2020

► **APPLICANT:** **S & E PROPERTIES**
OWNER(S): William H. & Carol A. Marshall

TAX ID NUMBER: 77 098

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 8520 W. Emory Rd.

► **LOCATION:** **South side of W. Emory Road, west of Beaver Ridge Rd.**

► **APPX. SIZE OF TRACT:** **19.68 acres**

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W Emory Road, a major arterial with a pavement width of 26 feet within a right-of-way width of 100 feet.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

► **PRESENT ZONING:** **A (Agricultural) & F (Floodway)**

► **ZONING REQUESTED:** **PR (Planned Residential) & F (Floodway)**

► **EXISTING LAND USE:** **Agriculture/forestry/vacant**

► **DENSITY PROPOSED:** **5 du/ac**

EXTENSION OF ZONE: Yes, PR (Planned Residential) up to 5 du/ac is adjacent to the north.

HISTORY OF ZONING: None noted.

SURROUNDING LAND North: Rural residential, multi-family residential -

USE AND ZONING: South: Rural residential, agriculture/forestry/vacant -

East: Agriculture/forestry/vacant -

West: Agriculture/forestry/vacant -

NEIGHBORHOOD CONTEXT: This area is characterized by large lot agricultural land primarily in the floodplain of Beaver Creek with smaller lot, single family residential, rural residential and multi-family residential primarily to the west and north of W Emory Road.

STAFF RECOMMENDATION:

- Approve PR (Planned Residential) zoning up to 5 du/ac and F (Floodway) because it is consistent with the sector plan designation of MDR (Medium Density Residential) and SP (Stream Protection) for this area.

COMMENTS:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The Northwest County Sector continues to be the most rapidly growing area of Knox County and additional opportunities for a variety of types of residential development are warranted.
2. This area is also served by water and wastewater services and the relatively new Karns Valley Drive.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. PR (Planned Residential) is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones.
3. The F (Floodway Zone) was established for the purpose of meeting the needs of the streams to carry floodwaters of a five hundred (500) year frequency flood and protecting the river, creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.
4. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. PR zoning up to 5 du/ac will require a public review of a proposed site plan as part of the use on review process.
2. The required use on review process will address any issues related to the compatibility of the surrounding developments and land uses.
3. 8.22 acres of the site remains in the F (Floodway) zone and cannot be counted toward the density calculation for the residential development of the PR (Planned Residential) portion of the site when a site plan is submitted for use on review.
4. The PR (Planned Residential) zone would be limited to the remaining 11.46 acres of the site. At 5 du/ac, the maximum number of dwelling units is 57.
5. The applicant is encouraged to work with Knox County Engineering to address concerns related to the adjacent floodplain area of Beaver Creek.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The PR (Planned Residential) zone up to 5 du/ac and F (Floodway) zone are consistent with all adopted plans.

ESTIMATED TRAFFIC IMPACT: 620 (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: 23 (public school children, grades K-12)

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns 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.

REZONING REPORT

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)
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Public Comments

35 Comments

1-E-21-RZ

Ken

January 12, 2021

My name is Kenneth Brady, and I live at 1701 Emoriland Blvd, Knoxville, TN 37917. Please add my letter to the others you have received about the rezoning of the property on Beverly Rd. (File # 1-E-21-RZ). I oppose the density proposed by the developer. I would like to support the recommendation of the Professional MPC staff from March 8, 2018 to rezone the property to Planned Residential with a maximum density of up to 1 dwelling unit per acre, excluding the floodway and floodplain in determining the density.

This planned development would have a terrible effect on flooding and traffic in the area, and also downstream where I live on the banks of First Creek. My entire back yard has been flooded twice in the past 4 years, with water coming into the

house once, even through sandbags and plastic. We do not need additional hardscape upstream to increase the speed of runoff to the creeks that already cannot handle what they are getting now.

This developer is hoping that because we cannot come to the meeting, he will have a chance to get his proposal approved, simply because the community cannot attend to object. However, opposition to his proposal has not lessened in our community and we would be there if we could! Please consider this when you vote on his proposal.

Thank you for your service to the community. Please continue to protect us from those who try to develop properties that are not suitable for the uses that they intend, and which will negatively affect those of us who live nearby. They don't live here, so they don't care how their actions impact the community. They only care about how much money they can make. We have no problem with people making an honest dollar, but not when it is detrimental to whole neighborhoods and existing properties in the surrounding area.

Cynthia

January 12, 2021

I am writing to you concerning File # 1-E-21-RZ, which is a request for the rezoning of acreage on Beverly Road. We have attended the previous two meetings where the developer presented this request to you, and each time he withdrew it quickly before a vote because he didn't want a final decision--he wanted to present it again in the future, hoping to do so at a time when the opposition of the residents could not influence the decision. We are adamantly opposed to any density of more than 1 per acre which is what the MPC staff has recommended. This was 61 units total, excluding the floodway and floodplain in determining the density. Now, because of the Covid-19 pandemic, we as citizens are not permitted to come to the meeting to protest the developer's plans for this property. I hope that the emails that you have received will carry the same weight at your meeting that our

presence did during the previous ones. I fear that the developer sees this as his opportunity to push this through over our objections, since we cannot come and object in person.

Nothing has changed since March of 2018 when the MPC staff recommended that the property be Planned Residential Zoning at a density of 1 per acre. This property is not suitable for dense development because of the floodway and flood plain as well as the areas that are steeply sloped. We already have flooding concerns in our neighborhood (Emoriland Blvd, along First Creek), with many neighbors having water in their basements. Our back yard has been completely covered by rushing water twice in the 4 years that we have lived here, and once it was so deep and forceful that we had to use shop-vacs to empty the water from inside the house, even though we had plywood, plastic, and sandbags stacked in front of all the doors.

Any large amount of roof and pavement in a development on this property cannot help but contribute to faster runoff, increasing the flooding of White's Creek and downstream on First Creek. It doesn't take a hydrologist to see that, although I believe that there is a report from a hydrologist in the files that have been submitted previously.

Please consider this letter the same as an in-person attendance of your meeting. Covid-19 has already done enough damage to our community without having this

developer be able to push a change through simply because we cannot be present to protest.

Rudy

January 12, 2021

I continue to support the MPC staff 2018 recommendation for this property. I travel that route to work every day and have seen the problems there over the years. Any development of the ridge top will be bad, but 197 units is ridiculous. Nothing has changed since 2018 to warrant changing the recommendation of 61 units per acre.

Ronnie, 37917

January 12, 2021

[View Attachment](#)

Doug

January 10, 2021

Good afternoon. I continue to support the professional MPC staff's March 8, 2018 recommendation for the 80 acres on Beverly Road. Due to the severe constraints, the property should be rezoned to Planned Residential with a maximum density of up to 1 dwelling unit per acre (61 units total). Besides the floodway and floodplain, the traffic back-up is already heavy at Tazewell and Beverly Roads. This will only add to the volume of traffic and cause further delays, frustration and most likely more accidents.

Nothing has changed since March, 2018 that would warrant a change in the recommendation.

Courtney

January 8, 2021

I am opposed to planned density at any level above 1 unit per acre on the buildable acres (outside of the flood plain) for the following reasons.

Looking at the map showing the Stream Protection Zone, I am concerned about how an access road for the proposed subdivision will impact the creek and the flooding. The most level place for access seems to be in the stream protection zone and would result in a huge amount of runoff in the creek. That runoff will introduce a lot of sediment and other pollution into the creek as well as increasing flooding.

If the access point to the subdivision is moved out of the stream protection zone, would it be in the middle of the curve on Greenway? That would seem to be low

visibility, would also have runoff problems because of the steeper grade. It would make a big difference how many cars tried to enter Greenway at this dangerous spot. The fewer the better.

I am very concerned that the amount of hardscape created by the proposed 3.22 residences per acre zoning would increase flooding and water pollution.

This area floods frequently and deeply—even if there are holding ponds for the development, the access road will add runoff to White's Creek. This development will increase the nuisance from flooding on the established downstream neighborhoods.

This is a dangerous section of road and adding a new intersection will increase the hazard to our entire community.

I love and use greenways, but a greenway on this property would add more hardscape which would add to the problems with runoff from the property, potentially impacting flooding and water pollution. I question how the greenway would be accessed without creating either pedestrian hazards or additional traffic. There is no place for pedestrians on Beverly Road at present. I know, I have to walk in the road if I want to from Beverly Place to Anderson Road and the road narrows in the vicinity of this property.

I may have additional comments if I get a response to some of my questions posed to the planners. Thank you for considering community concerns.

Sandi

January 7, 2021

I am writing in opposition to the density regarding file number 1-E-21-RZ. We continue to support the professional MPC staff's March 8, 2018 recommendation



SUBDIVISION REPORT - CONCEPT/DEVELOPMENT PLAN

▶ FILE #:	12-SC-22-C	AGENDA ITEM #:	21
	12-C-22-DP	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		
<hr/>			
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		
<hr/>			
▶ 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)		
<hr/>			
▶ 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 10 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.

- **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. The property was rezoned from A (Agricultural) to PR (Planned Residential) up to 2.51 du/ac in February 2021 (1-E-21-RZ).

REZONING AND ALLOWED DENSITY

In February 2021, Knox County Commission approved rezoning the property from I (Industrial) and RB (General Residential) to PR (Planned Residential) zoning up to 2.51 du/ac, 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 flood plain. 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

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

- 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.

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).

Requested Variances & Alternative Design Standards

12-SC-22-C / 12-C-22-DP- THE PRESERVE AT WHITES CREEK

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.

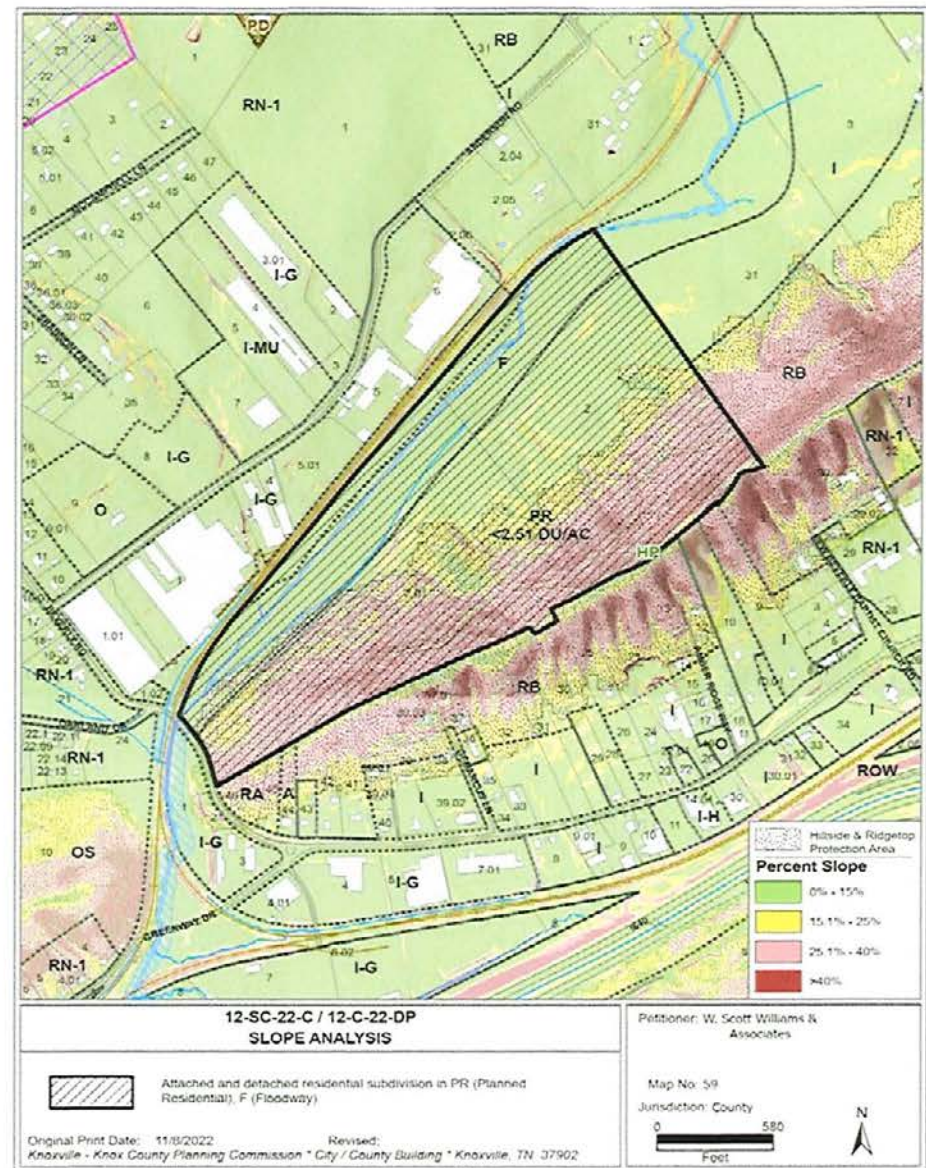
ALTERNATIVE DESIGN STANDARDS REQUIRING KNOX COUNTY ENGINEERING AND PUBLIC WORKS APPROVAL

1. NONE

KNOX COUNTY ENGINEERING AND PUBLIC WORKS RECOMMENDATION:

Approve
JHA GHA 2/2/23

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	80.27		
Non-Hillside	39.77	N/A	
0-15% Slope	3.13	100%	3.1
15-25% Slope	8.99	50%	4.5
25-40% Slope	21.86	20%	4.4
Greater than 40% Slope	6.51	10%	0.7
Ridgetops			
Hillside Protection (HP) Area	40.50	Recommended disturbance budget within HP Area (acres)	12.6
		Percent of HP Area	0.3



Attachment - Comment Feb 5, 2023 Carlene

Please deny Agenda Item 21, PC File No. 12-SC-22-C and 12-C-22-DP.

This parcel has two base zoning districts--Planned Residential (PR) and Floodway (F). The Planned Residential zoning portion of the parcel was approved at a density up to 2.51 du/ac. The Knox County Zoning Ordinance does not permit dwelling units in the Floodway zone.

However, for some reason, this project is being allowed to increase the total number of dwelling units by arbitrarily applying the du/ac density established for the Planned Residential-zoned portion of the parcel, to the Floodway-zoned portion of the parcel. No legal authority is cited to justify this scheme.

Any mention of a donation of the Floodway-zoned acreage of the parcel is meaningless, and has no effect on the calculation of density for the project. The density set for the PR zoning district, is only for the PR zoning district. The PR zoning district density cannot be arbitrarily applied to another zoning district, including the Floodway zoning district.

The citizens of Knox County deserve better conditions, better development, and better planning, than what is being described and recommended for your approval.

The result of erroneously applying the PR zoning district density to the Floodway zoning district is, of course, an increase in the total number of dwelling units allowed on the parcel. As indicated in items 1-3, below, studies and reports show that squeezing additional dwelling units into this severely constrained parcel will further burden the well-documented, substandard, road and stormwater networks.

1) The Applicant's "Transportation Impact Study", (p. 54) describes area **road hazards** so severe that they serve as "natural" traffic calming measure[s]. The **hazards** noted in the Study include s-curves, railroad crossing without arms, a bridge so narrow, and without guardrails, that many oncoming drivers do not cross simultaneously. Yet, this project will put over 1900 trips per day directly onto this substandard road network. The Study, (p. 46), acknowledges a very poor level of service at the intersection of Beverly Rd. and Tazewell Pike. Given the hazards described in the Study, should the taxpayers accept the addition of

1900 trips per day on roads carrying school buses and containing school bus stops?

2) Robert. A. Christensen, PE, reviewed the proposed development. His 1-14-23 report, "The Hydrologic Impacts of Proposed Development", as well as photos submitted by neighbors and government public records, document the notorious flooding in this area. The Report Summary states: *"The developer and the County jurisdiction are encouraged to show precaution in advancing a proposed development on this property. An extremely dense development, as currently proposed, will not allow for the inclusion of Best Management Practices (BMP's) that can serve to mitigate for increased runoff and downstream water quality. The development as proposed will exacerbate flooding locally and downstream, within the City of Knoxville."* Christensen's review also notes that water overtops the bridge without guardrails described in the Transportation Impact Study, during all flood profiles, from 10-year to 500-year floods. Excerpts are copied below.

3) The PC Report describes the parcel as constrained by Hillside (40 acres), and FEMA 500-year flood plain (26 acres), leaving only 17 acres of unconstrained land. Because of these constraints, four (4) Alternative Design Standards and one (1) variance are being requested. The arbitrarily-added dwelling units contribute to the project's need to rely on Alternative Design Standards and a Subdivision variance.

For your convenience, excerpts from the Transportation Impact Study and the Hydrologic Study are copied below. Photos are available at www.beverlyrezoning.com.

Please deny this request.

Carlene V. Malone

EXCERPTS:

Transportation Impact Study

The Preserve at Whites Creek Analysis of Existing and Projected Conditions

p. 25 Revised November 2022

ANALYSIS OF EXISTING AND PROJECTED CONDITIONS

♣ EXISTING TRAFFIC CONDITIONS :

This study conducted a 6-hour traffic count at the unsignalized t-intersection of Tazewell Pike at Beverly Road and on Beverly Road adjacent to the development site on Thursday, September

29th, 2022. The manual traffic counts were conducted to tabulate the morning and afternoon peak period volumes and travel directions near the proposed development site. Based on the traffic volumes collected at the intersection of Tazewell Pike at Beverly Road, the AM and PM peak hours were observed at 7:15 – 8:15 am and 4:45 – 5:45 pm. Adjacent and closer to the development site on Beverly Road, the AM and PM peak hours were observed at 7:15 – 8:15 am and 4:15 – 5:15 pm. The manual tabulated traffic counts can be reviewed in Figure 4 and Appendix F, and some observations from the counts are listed below.

- Only one pedestrian and no bicyclists were observed during the traffic counts. During the traffic count adjacent to the development site at Beverly Road, the lone observed pedestrian walked northbound on Beverly Road and continued onto Oakland Drive. School bus stops were observed just north of the development site at the intersection of Beverly Road at Oakland Drive. In the morning and afternoon, school buses stopped at this intersection and picked up and dropped off children that live further to the west along Oakland Drive. All the buses traveled on Beverly Road, and none were observed traveling on Oakland Drive.
- Most of the observed traffic was passenger vehicles, but the traffic stream on Beverly Road and Tazewell Pike included public school buses, dump trucks, and larger single-unit trucks. Several semi-tractor trailers were observed during the traffic count. At the railroad crossing adjacent to the development site, all the school buses and several larger trucks stopped at the track before proceeding. Some of these stops occurred due to laws and regulations - a few occurred due to the drivers' not feeling comfortable crossing the bridge over Whites Creek simultaneously with oncoming traffic. While the bridge width is adequate, the bridge structure combined with Beverly Road's s-curve horizontal alignment contributes to some drivers' unease of crossing simultaneously.
- Due to the high vehicle delays and queues experienced on the Beverly Road approach at Tazewell Pike, a lot of courteous activity was observed by fellow motorists allowing other motorists to turn at the intersection. The most often observed courteous activity involved westbound left-turning motorists on Tazewell Pike allowing northbound left-turning motorists to turn in front of them onto Tazewell Pike. While helpful to motorists on Beverly Road, this increased vehicle delays on Tazewell Pike.

Hydrologic Impacts of Proposed Development, R.A. Christensen, PE, 1-14-23

The flood profiles for White's Creek in the vicinity of Beverly Road and the proposed development are shown in the Flood Insurance Study for Knox County, Tennessee. Plate 205P in Volume 4 of the Study shows that all of the (10-, 50-, 100-, and 500-year) flood profiles overtop the Beverly Road Bridge. This Bridge, without guard rails, poses an existing hazard in a highly populated, well traveled setting.