

A G E N D A
FARRAGUT MUNICIPAL PLANNING COMMISSION

October 16, 2014
7:00 p.m. Farragut Town Hall

For questions please either e-mail Mark Shipley at mark.shipley@townoffarragut.org or Ashley Miller at ashley.miller@townoffarragut.org or call them at 865-966-7057.

- 1. Citizen Forum**
- 2. Approval of minutes – September 18, 2014**
- 3. Discussion of a request for a minor amendment to the 2012 Comprehensive Land Use Plan to update the Open Space Cluster Residential portion of the future land use plan to include multi-family (PMG, Applicant)**
- 4. Discussion and public hearing on a request to annex Parcel 108, Tax Map 130, 902 N. Campbell Station Road, 1.55 Acres (Clarence and Inez Less, Owners, PMG, Applicant)**
- 5. Discussion and public hearing on a request to rezone Parcels 108 and 109, Tax Map 130, 820 and 902 N. Campbell Station Road, north of the Holiday Inn Express, 34.5 Acres, from A and R-2 to R-6/OSMFR (PMG, Applicant)**
- 6. Discussion and public hearing on a request to rezone Parcel 104, Tax Map 141, 421 Everett Road, 20.37 Acres, from R-1 to R-1/OSR (Saddlebrook Properties, Applicant)**

NOTE: This item has been pulled from the agenda at the request of the applicant.

- 7. Discussion and public hearing on a final plat for Phase II of the Bridgemore Subdivision, Parcel 25.04, Tax Map 152, 40 Lots, 28.51 Acres (Placemakers Development Partnership, Applicant)**
- 8. Discussion and public hearing on amendments to the Farragut Municipal Code, Title 16, Chapter 4. Driveways and Other Access Ways, to clarify the requirement for a traffic impact study in relation to rezoning requests**
- 9. Discussion and public hearing on the Everett Road Corridor Improvement Fee Ordinance**

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

10. Discussion on amendments to the text of the Farragut Zoning Ordinance as it relates to the Mixed Use Town Center outlined in the Comprehensive Land Use Plan

11. Public hearing on proposed locations for new utilities

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

**MINUTES
FARRAGUT MUNICIPAL PLANNING COMMISSION**

September 18, 2014

MEMBERS PRESENT

Rita Holladay, Chairman
Ed St. Clair, Vice-Chairman
Ron Honken, Alderman
Ed Whiting, Secretary
Ralph McGill, Mayor
Annette Brun
Betty Dick
Noah Myers
Louise Povlin

MEMBERS ABSENT

Staff Representatives: Mark Shipley, Community Development Director
Ashley Miller, Assistant Community Development Director

Chairman Holladay called the meeting to order at 7 p.m.

CITIZEN FORUM

Chairman Holladay asked if everyone would please speak into the microphone so everyone is able to hear on television.

Commissioner Povlin stated you can get to the agendas by going to the Town of Farragut website.

Property Rights Training will be on September 30, 2014 from 6 – 8 pm in the board room. This training will go towards the four hours of required training for planning commissioners.

Boy Scout, Will Harry of Troop 444, was in attendance and is working on his Communications, Citizenship and Community Merit Badge.

APPROVAL OF MINUTES

Commissioner Honken moved to approve the August 21, 2014 minutes as submitted.

Commissioner St. Clair seconded the motion and the motion passed 8-0-1 with Commissioner Brun abstaining because she was absent.

AGENDA ITEMS

**DISCUSSION AND PUBLIC HEARING ON A REQUEST TO REZONE PARCEL 109,
TAX MAP 130, 820 N. CAMPBELL STATION ROAD, NORTH OF THE HOLIDAY INN
EXPRESS, 33 ACRES, FROM R-2 TO R-6/OSMFR (PMG, Applicant)**

Staff recommended deferral because a traffic impact study had not been submitted and this was needed in order to assess the appropriateness of the rezoning request.

FMPC – Minutes

9/18/14

Page 2

Jason Perry and Leon Lawson were present on behalf of the applicant. Some discussion ensued regarding the request and it was noted by Commissioner Myers that an amendment to the Comprehensive Land Use Plan would also be needed as part of a formal vote on the rezoning request. The staff mentioned that the adjacent property that is currently outside the Town but that will be part of the multi-family development should be requested for annexation. The applicant indicated that this would be something they would pursue.

A motion was made by Commissioner St. Clair to defer action on the rezoning for the reasons noted by staff and that were discussed at the meeting. Motion was seconded by Commissioner Dick. Motion passed 8-1 with Commissioner Honken voting in opposition.

**DISCUSSION ON THE RE-ALIGNMENT OF INTERSECTION OF US 11 AND US 70
(DIXIE LEE JUNCTION) IN LOUDON COUNTY**

Functional plans were discussed and the town engineer, Darryl Smith, presented this item. Staff recommended that pedestrian facilities be incorporated into the plans. After a short discussion, a motion was made by Commissioner Honken to accept the plans with the recommendation that, at a minimum, pedestrian facilities be provided for the town portion of the project. Motion was seconded by Commissioner St. Clair. Motion passed unanimously.

**DISCUSSION ON AMENDMENTS TO THE TEXT OF THE FARRAGUT ZONING
ORDINANCE AS IT RELATES TO THE MIXED USE TOWN CENTER OUTLINED IN
THE COMPREHENSIVE LAND USE PLAN**

For discussion purposes only.

PUBLIC HEARING ON PROPOSED LOCATIONS FOR NEW UTILITIES

None at this time

ADJOURNMENT

The meeting adjourned at 9:58 p.m.

Edwin K. Whiting, Secretary

MEETING DATE: October 16, 2014

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion of a request for a minor amendment to the 2012 Comprehensive Land Use Plan to update the Open Space Cluster Residential portion of the future land use plan to include multi-family (PMG, Applicant)

INTRODUCTION AND BACKGROUND: At the planning commission meeting last month it was noted by staff that the rezoning request involving the property at 820 N. Campbell Station Road would need a minor amendment to the Comprehensive Land Use Plan (CLUP). In the CLUP, Chapter 3 provides a number of land use descriptions including one for open space cluster residential. Much of the property at 820 N. Campbell Station Road was designated on the future land use map as appropriate for open space cluster residential. When the CLUP was adopted, however, the open space cluster residential option was only provided for single family detached and single family attached and reflected in the OSR and OSMR Zoning Districts. Consequently, in the CLUP, the density description on Page 32 and the land use type/closest existing zone summary on Page 35 reflected what was in place at that time.

Recently, an amendment was recommended for approval by the planning commission to apply the open space cluster residential to multi-family. Consequently, due to the recent approval by the Board of Mayor and Aldermen for the Open Space Multi-Family Residential (OSMFR) Overlay Zoning District, the two sections of the CLUP noted above will need to be amended. The staff would propose that, under the Density section of the land use descriptions on Page 32, the wording be modified to state "Determined by environmental constraints and the surrounding built environment, with density ranging from very low to medium density residential land uses." And, on Page 35, under the Closest Existing Zone column the OSMFR be added in relation to Open space cluster residential.

The staff would consider these amendments minor, as described on Page 6 of the CLUP, which would not require a resolution. Though the density is greater, the OSMFR reflects and is consistent with the intent of the open space cluster residential concept. In exchange for the increased density, this district requires that at least 50% of the property remain in permanent open space. Thus, it incentivizes the clustering of residential units on the more developable portions of the property.

Land Use Descriptions

8 Rural residential

Intent

- Preserve and protect existing rural areas within Town as a lifestyle.
- Maintain open vistas and rural image of Farragut.

Location

- Existing rural parcels.
- Served by local roads.

Density

- A mix of lot sizes, usually 1 acre and larger, with an average of 3-acre lots.

Character

- Generally larger lots, with an estate or agricultural character.
- Uses include those typically associated with agriculture, including farming, livestock, nurseries, greenhouses, or can be solely residential.
- Rural designation will encourage clustering to preserve areas of active agriculture.



Figure 35: Rural residential character.

9 Open space cluster residential

Intent

- Cluster development to preserve sensitive lands including steep slopes, flooding, sinkholes, ridge lines, mature tree stands, and wetlands.

Location

- Large areas, known or suspected to have significant environmental constraints.

Density

- Determined by environmental constraints, gross density range is typically somewhere between very low and low-density land uses.

Character

- Consists of small lot or attached units in clustered setting.
- Large open spaces will be preserved.
- Where possible, passive recreation (such as trails, fishing, and viewing areas) should be encouraged in open areas.



Figure 36: Residential land uses (Rural and Open space cluster residential).

LAND USE/ZONING CONVERSIONS

Table 3-1 correlates future land use designations with the closest current town zoning categories. It is best to have consistency between land use and zoning. Farragut’s existing zoning designations may not be adequate to translate land use designations into recommended uses. This plan recommends a mix of uses in several locations. Existing zones do not permit this mix.

To allow these uses and ensure that the comprehensive plan land uses can be ‘applied’, use one of the following:

- 1. Adding residential in existing categories, as use by special review to ensure that residential amenities are provided. (use by special review can be problematic as all conditions must be specified and if met, must be granted.)
- 2. The creation of several new zoning categories that would only apply to new development.

In either case, the form of the buildings is as, or more important than, the use. The goal should be buildings that can adapt themselves to a changing market over time and what is to be avoided is single use buildings that become outmoded and are often left vacant for prolonged times before they are replaced. For example, in a new mixed use office zone, if the buildings are placed adjacent to the street, the majority of the ground floor uses would be office, but a small commercial use ‘coffee-shop, office supplies’ might be justified by the market. And if over time the market justified additional commercial, the building could easily adapt. If an executive suites were desired, it could fit in those building types. This would not be possible in a typical office park arrangement where the buildings are surrounded by parking lots.

TABLE 3-1: Future Land Use / Zoning Conversions

Land Use Types	Density	Closest Existing Zone
Mixed use town center	8-15 units per acre	TCD
Mixed use neighborhood	6-10 units per acre	n/a
Commercial	4-7 units per acre*	C-1, C-1-3,
Regional commercial	n/a	C2-R/W
Medium density	6-12 units per acre	R-6
Low density	3-6 units per acre	R-4, R-5
Very low density	2-4 units per acre	R-1, R-2
Rural residential	1 acre or lager	A
Open space cluster residential	Varies by restraints and base zone	OSR, OSMR
Office/light industrial	4-7 units per acre*	O-1, O 1-3, O 1-5
Open space	n/a	OS-P
Parks and recreation	n/a	OS-P
Civic/institutional	n/a	S, S-1

*Residential density requires adequate pedestrian amenities (see individual land use for more info)

MEETING DATE: October 16, 2014

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion and public hearing on a request to annex Parcel 108, Tax Map 130, 902 N. Campbell Station Road, 1.55 Acres and approve the associated Plan of Service (Clarence and Inez Lee, Owners, PMG, Applicant)

INTRODUCTION AND BACKGROUND: At the planning commission meeting last month as part of the discussion regarding the rezoning of the property at 820 N. Campbell Station Road, the staff noted that, as part of this process, the applicant should consider requesting that the adjacent lot (referenced as 902 N. Campbell Station Road) be annexed into the Town since it was also being purchased and incorporated into the development. This would help to facilitate the anticipated development and avoid the pitfalls of a development being in two different jurisdictions.

The property at 902 N. Campbell Station Road is including in the Town's Urban Growth Boundary. The applicant has submitted a written request to be annexed and a copy of this letter is included in the packet. As provided for in the Tennessee Code Annotated, the next step in the annexation process is approval of a plan of service by the planning commission and a recommendation related to the annexation which will be forwarded to the board of mayor and alderman. Once approved, the annexation ordinance will not become operative until thirty (30) days after final passage, during which time the ordinance and attachments will be forwarded to the County Mayor as notification of the annexation.

Included in your packets is a proposed plan of services for the annexation of the property at 902 N. Campbell Station Road. Also included is the petition for annexation from the property owner, property description and map.

RECOMMENDATION: The staff recommends approval of Resolution PC-14-09 which provides for a Plan of Services associated with the annexation of Parcel 108, Tax Map 130, 902 N. Campbell Station Road and recommends approval of Ordinance 14-14. The requested annexation is consistent with both the CLUP and the Strategic Plan as both reference expanding the Town limits through annexation as desirable objectives.

ATTACHMENT B

RESOLUTION PC-14-09

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO ADOPT A PLAN OF SERVICE FOR THE ANNEXATION OF PARCEL 108, TAX MAP 130, LOCATED AT 902 N. CAMPBELL STATION ROAD; KNOX COUNTY TAX MAP BY THE TOWN OF FARRAGUT, TENNESSEE

WHEREAS, the property owners, as provided under the authority of the State of Tennessee Public Chapter No. 707 regulating annexations, have requested that the certain property described below be annexed by the Town of Farragut, Tennessee, described as follows:

The Lee property referred to as Parcel 108, Map 130, located at 902 N. Campbell Station Road as shown on Exhibit A

WHEREAS, Tennessee Code Annotated Section 6-51-102 as amended requires that a plan of service be adopted by the governing body of a town prior to approval of the annexation ordinance by the local governing body; and,

WHEREAS, the proposed parcel of land being considered for annexation as part of a planned multi-family residential development that lies adjacent and contiguous to the corporate limits of the Town of Farragut, along N. Campbell Station Road;

SECTION 1.

Pursuant to the provisions of Tennessee Code Annotated, Section 6-51-102, there is hereby recommended for adoption by the Board of Mayor and Aldermen, for the area bounded as described above, the following plan of service to inform interested residents and property owners in the area.

Location

The proposed annexation area is located north of the present corporate limits and is adjacent and contiguous to N. Campbell Station Road properties within the Corporate Limits of the Town of Farragut and contained within the existing Urban Growth Boundary of the Town of Farragut, Tennessee. The proposed annexed area contains approximately 1.5 (more or less) acres that is planned for multi-family residential development.

Existing Land Use

The annexed area contains one single-family residence and mostly open fields.

Provision of Services to the Annexed Area

I. Police Protection:

This area is currently served by the Knox County Sheriff's Department and will continue to be served upon annexation.

II. Fire Protection:

This area is currently served by the Rural Metro Fire Department and will continue to be served upon annexation.

III. Water Service:

The entire area is located within the First Utility District water service area. First Utility District has full responsibility for the expansion, operation and maintenance of their utility system. The developers of this property will be responsible for obtaining necessary water services from First Utility District for extending new water lines and installing fire hydrants in conformance with the rules and regulations of the utility district and the Town of Farragut.

IV. Electric Service

The area to be annexed will receive electric service from Lenoir City Utilities Board (LCUB). Electric service extension shall be provided by the developer in conformance with the rules and regulations of the utility provider and the Town of Farragut.

V. Sanitary Sewer Service:

The entire area is located within the First Utility District sanitary sewer service area. First Utility District has full responsibility for the expansion, operation and maintenance of their utility system. The developers of this property will be responsible for working with First Utility District to coordinate sanitary sewer service to this area in conformance with the rules and regulations of the utility district and the Town of Farragut.

VI. Solid Waste Collection

The Town currently does not provide refuse service for existing residents and therefore cannot extend these services to the newly annexed areas. Property owners will continue to utilize private hauling services.

VII. Road and Street Construction and Repair:

Routine road maintenance service (paving, pot-hole repair, striping, traffic control and street signs, snow removal, and right of way mowing) will begin in the annexed area on the effective date of annexation for all existing roads that are officially accepted and

maintained by the Town in a manner consistent with current service delivery in the Town limits.

VIII. Recreation Facilities and Programming:

The Town's parks, greenways, and programming are available currently and will remain available upon annexation.

IX. Street Lighting

In all newly developed areas all street lighting will be in compliance within the existing subdivision regulations and zoning ordinance of the Town of Farragut.

X. Planning, Zoning, and Codes Services:

All planning, zoning, subdivision regulations, and building and property maintenance codes of the Town will extend to the annexed area on the effective date of annexation. Existing personnel will handle oversight and enforcement of existing regulations.

WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on October 16, 2014;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby approves the Plan of Service for Parcel 108, Map 130, located at 902 N. Campbell Station Road and recommends approval to the Farragut Board of Mayor and Aldermen for annexation.

ADOPTED this 16th day of October, 2014.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

ORDINANCE:	14-14
PREPARED BY:	Shipley
REQUESTED BY:	Kay Wellons
CERTIFIED BY FMPC:	October 16, 2014
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO ANNEX A CERTAIN TERRITORY NORTH OF THE CURRENT CORPORATE BOUNDARIES AND INCLUDE PARCEL 108, TAX MAP 130, AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF FARRAGUT, TENNESSEE

WHEREAS, the owners of the property described below have requested by notarized petition that the Town of Farragut, Tennessee, annex the following property into the corporate limits of the Town of Farragut:

Parcel 108, Tax Map 130, Located at 902 N. Campbell Station Road; being approximately 1.5 acres, see Exhibit A, attached;

WHEREAS, the Town of Farragut has adopted a growth management plan known as the "Urban Growth Boundary" and has adopted an Urban Growth Area; and

WHEREAS, the area to be annexed by this ordinance is within the Urban Growth Area of the Town of Farragut, Tennessee, and that the property owners have requested that this area be annexed by the Town of Farragut as provided in Tennessee Code Annotated 6-51-102; and

WHEREAS, Tennessee Code Annotated Section 6-51-102, as amended, requires that a plan of service be adopted by the governing body of a town prior to passage of an annexation ordinance; and

WHEREAS, the proposed parcel of land being considered for annexation as part of a planned multi-family residential development that lies adjacent to other property that is contiguous to the corporate limits of the Town of Farragut; and

WHEREAS, a public hearing before this body was held on _____, 2014, to receive comments on the proposed annexation and the proposed plan of services for the area to be annexed, pursuant to a public notice published in the Farragut Press on _____; and

WHEREAS, the proposed plan of services for this area has been endorsed by the Farragut Municipal Planning Commission (Attachment B); and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners therein and of this town as a whole;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, as follows:

SECTION 1.

Pursuant to authority conferred by Section 6-51-102 of the Tennessee Code Annotated, there is hereby annexed to the Town of Farragut, Tennessee, and incorporated within the corporate boundaries thereof, the territory adjoining the present corporate boundaries and more particularly described in Attachment A, and shown on Attachment B hereto, said attachments being made a part of this ordinance by reference; and

SECTION 2.

All of the property as described in this ordinance of annexation shall be zoned Open Space Multi-Family Residential (R-6/OSMFR).

SECTION 3.

That this ordinance shall take effect 30 days after its final passage and publication, public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2014,
with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

ATTACHMENT A

**BOUNDARY DESCRIPTION – ANNEXATION AREA
TOWN OF FARRAGUT, TENNESSEE**

The property Lee property referred to as Parcel 108, Map 130, located at 902 N. Campbell Station Road, being approximately 1.5 acres, as shown on Exhibit A

Town of

Farragut

Ordinance 14-14
Exhibit A

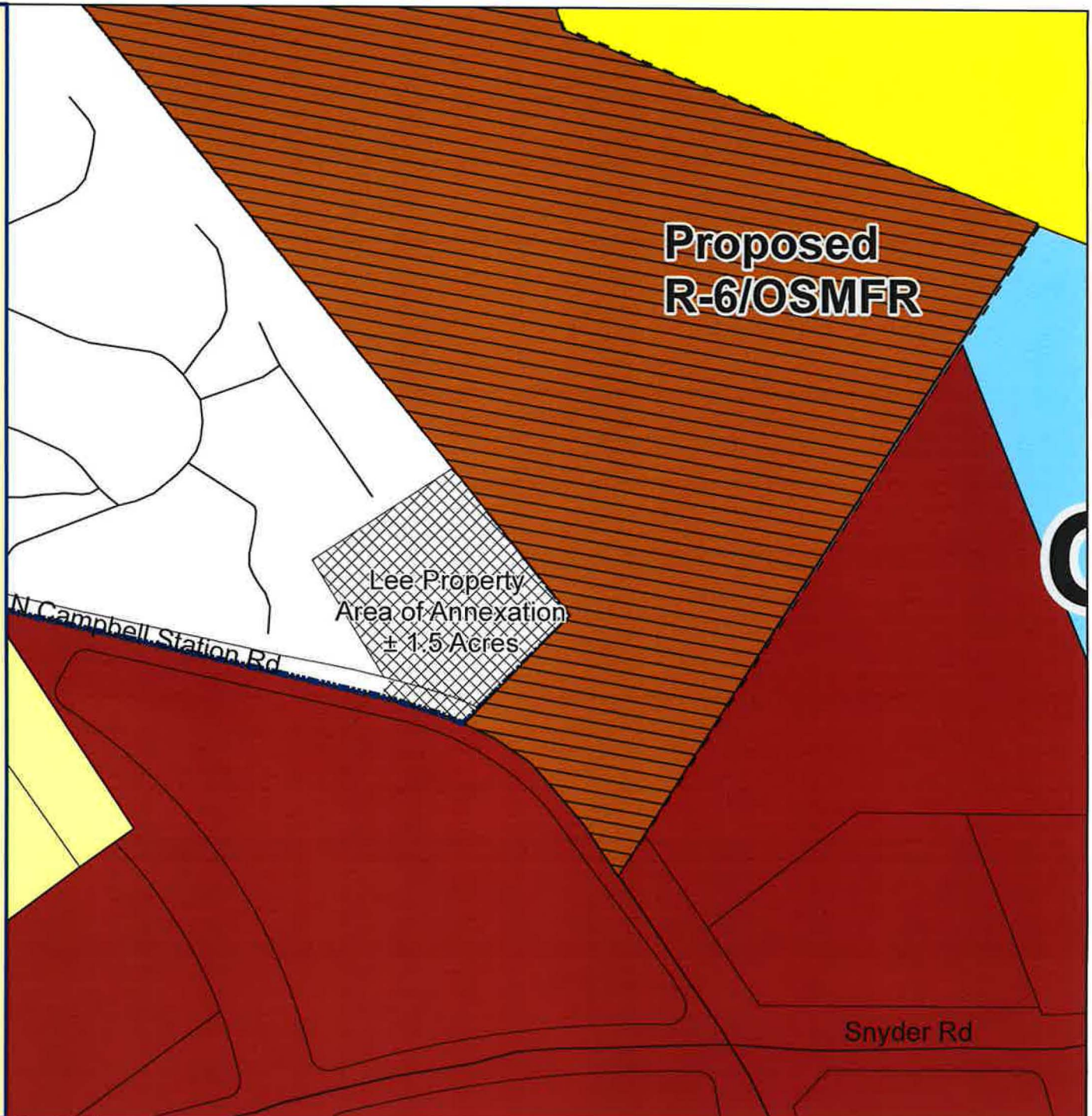
Lee Property Annexation
Parcel 108, Map 130

Legend

-  Annexation Area
-  Town Limit
-  Streets
-  Parcels
-  R-1, Rural Single-Family Residential
-  R-2, General Single-Family Residential
-  O-1, Office
-  C-2, Regional Commercial
-  R-6/OSMFR



1 in = 200 ft



**ANNEXATION PETITION
TOWN OF FARRAGUT, TENNESSEE**

PETITIONER INFORMATION:

Applicants Name: Kay Wellons
Street Address: 647 Hickory Woods Dr
City: Knoxville State: TN ZIP: 37934
Phone: 966-3834 E-mail Address: wellonsk@gmail.com

PROPERTY INFORMATION:

Tax Map Information (if known):
Tax Map: 130 Group: _____ Parcel: 108
Street Address: 902 N. Campbell Station Road
City: Knoxville State: TN ZIP: 37934
Current Use: Hay harvest

OTHER INFORMATION: _____

DISCLAIMER AND SIGNATURE

By signing below I state that I understand the conditions of this annexation petition. I further state that I am/we are the sole and legal owner(s) of the property described herein.

Signature: Kay Wellons Date: Oct 8, 2014

Signature: _____ Date: _____

Signature: _____ Date: _____

Signed before me on this 8 day
of October, 2014, a notary public
for the State of Tennessee
County of Knox



Notary Bettye L. Newby
My Commission Expires My Commission Expires May 5, 2017

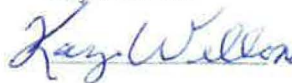
Mark Shipley
Community Development Director
mark.shipley@townoffarragut.org
11408 Municipal Center Dr.
Farragut, TN 37934
Ph: (865) 675-2384
Fx: (865) 671-7652

Mr. Shipley,

Our family has come to an agreed contract price to sell our property to Perry Management Group, Inc. and its partners. We understand and support the intent to annex the Parcel known as: CLT Map 130, Parcel 108, 902 N Campbell Station Road. This should make one complete parcel that would be under the jurisdiction of the Town of Farragut. Please understand that time is of the essence and we would like to see this happen as soon as possible.

Thank you for your time and attention,

Kay Wellons

 Date: 9/23/2014

MEETING DATE: October 16, 2014

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion and public hearing on a request to rezone Parcel 109, Tax Map 130, 820 N. Campbell Station Road, north of the Holiday Inn Express, 33 Acres, from R-2 to R-6/OSMFR (PMG, Applicant)

INTRODUCTION AND BACKGROUND: This request was reviewed at last month's meeting. The staff recommended deferral namely because a traffic impact study (TIS) had not been completed in order to assess the impact the rezoning could have on the surrounding transportation network. There was also some discussion about the need to update the Comprehensive Land Use Plan (CLUP) so that the requested rezoning would be consistent with the plan. The CLUP identified most the property at 820 N. Campbell Station Road as a candidate for open space cluster residential. When the CLUP was adopted, however, the open space cluster option was only available for single-family detached and attached developments. The recent application of the open space cluster option to multi-family and that is reflected as the R-6/OSMFR Overlay Zoning District was not in place and thus not accounted for in the CLUP. As a separate agenda item, the staff will be requesting a minor amendment to the CLUP to address this matter.

The staff also mentioned at last month's meeting that the applicant should consider making a request to annex the adjacent 1.55 acre lot (902 N. Campbell Station Road) because it will be part of their development and is being purchased at this time along with the larger tract that is within the Town. The applicant indicated that they would request to be annexed and this is also a separate agenda item for this meeting.

RECOMMENDATION: Included in the packet is a copy of the Executive Summary of the TIS. Based on the summary, the primary conclusion is that the traffic generated from the proposed apartment development will not result in unacceptable levels of service at the study intersections. The summary makes three recommendations all of which are supported by the Town staff. Please refer to the recommendations in the Executive Summary. The applicant has reviewed the recommendations and is in agreement with the measures proposed.

Consequently, due to the recent approval by the Board of Mayor and Aldermen for the Open Space Multi-Family Residential (OSMFR) Overlay Zoning District and the minor amendment to the CLUP is approved, the staff would recommend approval of Resolution PC-14-10 which recommends approval

of Ordinance 14-16. The surrounding plan of development and the physically challenging characteristic of much of this property would make this a good candidate for the OSMFR Overlay.

Also, as part of the annexation request noted in the previous agenda item, the staff would recommend that as this parcel is annexed into the Town it be zoned R-6/OSMFR Overlay since it will be part of the multi-family housing development.

RESOLUTION PC-14-10

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE FARRAGUT ZONING MAP, ORDINANCE 86-16, TO RECOMMEND THE APPROVAL OF THE REZONING OF PARCEL 109, TAX MAP 130, LOCATED AT 820 N. CAMPBELL STATION ROAD, NORTH OF THE HOLIDAY INN EXPRESS, APPROXIMATELY 33 ACRES, FROM R-2 (GENERAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) AND OSMFR (OPEN SPACE MULTI-FAMILY RESIDENTIAL OVERLAY DISTRICT)

WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on October 16, 2014;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of an ordinance, amending Ordinance 86-16, of the Farragut Zoning Ordinance, by adding Ordinance 14-16.

ADOPTED this 16th day of October, 2014.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

ORDINANCE:	14-16
PREPARED BY:	Shipley
REQUESTED BY:	PMG
CERTIFIED BY FMPC:	October 16, 2014
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED.

BE IT ORDAINED the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended as follows:

SECTION 1.

The Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended by rezoning Parcel 109, Tax Map 130, located at 820 N. Campbell Station Road, north of the Holiday Inn Express, approximately 33 Acres, from R-2 (General Single-Family Residential District) to R-6 (Multi-Family Residential District) and OSMFR (Open Space Multi-Family Residential Overlay District) - as shown on Exhibit A

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2014, with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

Town of
Farragut

Ordinance 14-16
Exhibit A

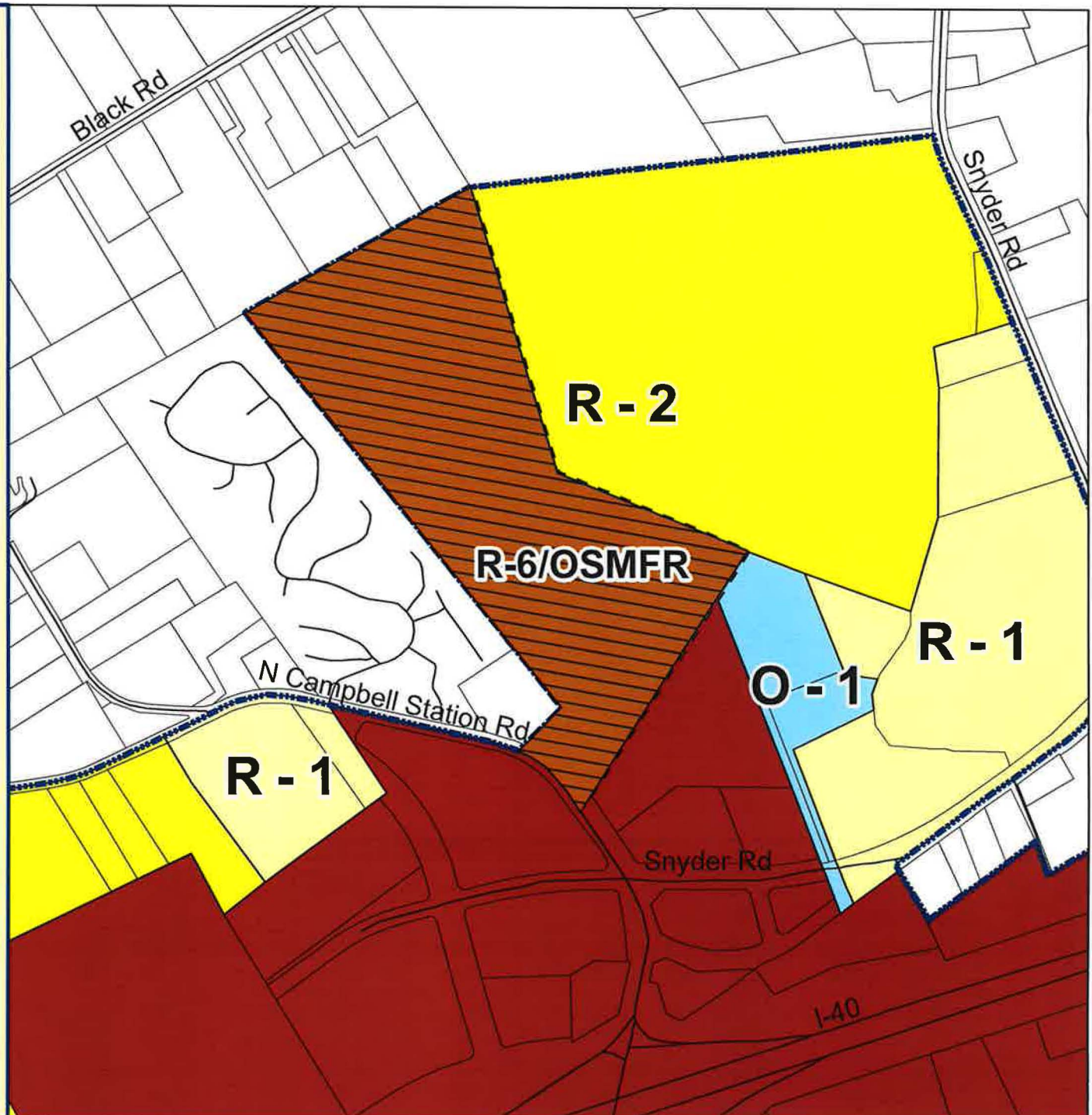
Rezone
Parcel 109, Tax Map 130
From R-2, General Single
Family Residential
To
R-6/OSMFR, Open Space Multi-Family
Residential Overlay District

Legend

-  Town Limit
-  Streets
-  R-6/OSMFR
-  Parcels
-  R-1, Rural Single-Family Residential
-  R-2, General Single-Family Residential
-  O-1, Office
-  C-2, Regional Commercial



1 in = 500 ft



Traffic Impact Study N. Campbell Station Road Apartments Farragut, TN

PREPARED FOR:

CG Farragut, LLC
7320 McGinnis Ferry Road
Suwanee, GA 30024

PREPARED BY:

Cannon & Cannon, Inc.
8550 Kingston Pike
Knoxville, TN 37919
Tel: 865.670.8555



CCI Project No. 01149-0000

September 30, 2014



Cannon & Cannon, Inc.
Consulting Engineers • Field Surveyors

EXECUTIVE SUMMARY

This report provides a summary of a traffic impact study that was performed for an apartment development that is proposed for construction off of N. Campbell Station Road in the Town of Farragut. The actual site location is on the northeast side of N. Campbell Station Road, just north of Snyder Road and approximately one-quarter mile north of Interstate 40/75. The development plan for this project proposes a maximum of 280 residential apartment units and the site access will consist of a single driveway onto N. Campbell Station Road.

The purpose of this study was the evaluation of the traffic operational and safety impacts of the proposed development upon roadways in the vicinity of the project site. Of particular interest were the signalized intersections of N. Campbell Station Road with Snyder Road, Interstate 40/75 Westbound ramps, Interstate 40/75 Eastbound ramps, and the site driveway. Appropriate intersection evaluations were conducted at these locations for existing and future conditions, both with and without traffic volumes generated from the proposed development, in order to determine the anticipated impacts and to establish recommended measures to mitigate these impacts. These evaluations included intersection capacity analyses, corner sight distance reviews and others as appropriate.

The primary conclusion of this study is that the traffic generated from the proposed apartment development will not result in unacceptable levels-of-service at the study intersections. In fact, due to I-40/75 interstate ramp improvements that are pending construction by the Tennessee Department of Transportation (TDOT), as well as traffic signal timing improvements that are easily implemented, some conditions will actually improve. This is especially true for the left-turn traffic queues between the two interstate ramp intersections, as well as the eastbound interstate off-ramp which will operate under traffic signal control. Operational conditions will also improve for the intersection of N. Campbell Station Road and Snyder Road if optimized traffic signal timing is implemented.

The following recommendations are considered appropriate to maximize the operations and safety of the study intersections:

1. The apartment site driveway should be STOP controlled. In addition, it should be located near the north end of the project property and its vertical grade should be kept as high as possible on its immediate approach to N. Campbell Station Road. These measures will ensure that the sight distance to oncoming traffic exceeds the required distance of 350 feet looking both north and south.



2. Consideration should be given to providing a northbound right-turn lane on N. Campbell Station Road at the proposed driveway. This is not fully justified by the expected traffic volumes, but would provide a safety and operational enhancement to the proposed intersection.
3. Optimized traffic signal timing should be implemented at all study intersections. For N. Campbell Station Road and Snyder Road this could occur immediately, while at the interstate ramp intersections this would best occur with the proposed TDOT interstate ramp improvements.

In addition to the above, the Town of Farragut should continue to encourage TDOT to complete the proposed interstate ramp project in a timely fashion.



MEETING DATE: October 16, 2014

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion and public hearing on a final plat for Phase II of the Bridgemore Subdivision, Parcel 25.04, Tax Map 152, 40 Lots, 28.51 Acres (Placemakers Development Partnership, Applicant)

INTRODUCTION AND BACKGROUND: This next phase of the Bridgemore Subdivision off McFee Road includes 38 dwelling lots and 2 open space lots. The concept plan was revised to accommodate this phase and approved on March 20, 2014. The preliminary plat for Phase II was approved on April 17, 2014.

Since that time the applicant has been working on completing the required public improvements per the approved preliminary plat.

RECOMMENDATION: The staff will make a recommendation at the meeting based on the status of the completion of the required public improvements and site stabilization.



I hereby certify that it has been certified to us that the sewer system(s) outlined or indicated on the final subdivision plat entitled _____ have been installed in accordance with current local and state government requirements.

Date _____ Name, Title, and Agency of Authorized Approving Agent _____

CERTIFICATE OF ELECTRIC, GAS, AND TELEPHONE AVAILABILITY

This is to certify that every lot within this subdivision has available to it a source for the service identified by signature(s) below which service is adequate to accommodate the reasonable needs of such lot as for such service within such subdivision.

Date _____ GAS - Name, Title, and Agency of Authorized Approving Agent _____

Date _____ ELECTRIC - Name, Title, and Agency of Authorized Approving Agent _____

Date _____ TELEPHONE - Name, Title, and Agency of Authorized Approving Agent _____

Curve Schedule				
Curve No.	Radius	Ch. Bearing	Chord	
C-1	25'	39.27' N 63°42' E	35.36'	
C-2	425'	72.33' N 23°34'30" E	72.24'	
C-3	375'	98.57' S 26°13'45" E	98.28'	
C-4	25'	39.27' S 26°18' E	35.36'	
C-5	25'	35.93' N 48°55'50" E	32.91'	
C-6	350'	43.58' N 40°54' E	43.55'	
C-7	300'	85.23' N 52°36'20" E	84.94'	
C-8	300'	37.99' N 64°22'20" E	37.97'	
C-9	75'	48.26' N 49°34' E	47.43'	
C-10	50'	16.48' N 40°34' E	16.39'	
C-11	50'	60.03' N 84°23'10" E	56.48'	
C-12	50'	60.22' S 26°43'10" E	56.65'	
C-13	50'	60.05' S 42°11'20" W	56.50'	
C-14	50'	24.68' N 88°16' W	24.43'	
C-15	75'	48.26' S 86°26' W	47.43'	
C-16	250'	45.95' S 62°44'10" W	45.88'	
C-17	250'	56.74' S 50°58' W	56.62'	
C-18	300'	30.11' S 05°40'42" E	30.09'	
C-19	300'	69.27' S 14°58'40" E	67.13'	
C-20	25'	36.63' S 63°22'40" E	33.44'	
C-21	25'	39.27' N 63°47' E	35.36'	
C-22	300'	71.22' N 11°54' E	71.06'	
C-23	300'	10.98' N 04°03' E	10.98'	
C-24	300'	55.07' N 23°59'30" E	55.02'	
C-25	75'	48.26' N 10°33'55" E	47.43'	
C-26	50'	47.01' N 18°34' E	45.30'	
C-27	50'	70.03' N 85°37'35" E	64.45'	
C-28	75'	25.40' S 55°40' W	25.28'	
C-29	75'	22.86' S 37°14' W	22.77'	
C-30	300'	50.45' S 23°41' W	50.39'	
C-31	350'	39.42' S 06°13'40" W	39.40'	
C-32	350'	56.48' S 14°04'40" W	56.42'	
C-33	25'	39.27' S 26°18'18" E	35.36'	

CERTIFICATION OF COMMON AREAS DEDICATION

As Owner, in recording this plat I have designated certain areas of land shown hereon as common areas intended for use by the homeowners within _____.

(Name of Subdivision)

For recreation and related activities. The above described areas are not dedicated for use by the general public, but are dedicated to the common use of the homeowners within the named subdivision.

"Declarations of Covenants and Restrictions", applicable to the above named subdivision, is hereby incorporated and made a part of this plat.

Date _____ Owner _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described herein as evidenced in Book Number _____, Page _____, County Register's Office, and that I (we) hereby assign this plat of subdivision with my (our) true consent, establish the minimum building setback lines and dedicate all streets, alleys, walks, parks, and other open space to public or private use as noted.

Date _____ Owner _____

CERTIFICATE OF APPROVAL OF STREET NAMES

This is to certify that the subdivision shown hereon has been reviewed for compliance with the Knox County Uniform Street Naming & Addressing System Ordinance, and the road names are hereby approved for recording.

Knox County Addressing Division

CERTIFICATE OF SURVEY ACCURACY

I hereby certify that the plan shown and described herein is a true and correct survey to the accuracy required by the Farragut Municipal Planning Commission and that the monuments have been placed as shown hereon, to the specification of the Sanborn Regulations. This is a Category I Land Survey and the ratio of precision of the unadjusted survey is equal to or greater than 1:10000 as shown hereon.

Date _____ Registered Surveyor _____

SURVEYOR:
JIM SULLIVAN
2543 CREEKSTONE CIRCLE
MARYVILLE, TN 37804
PH. (865) 406-7324

OWNER:
PLACEMAKERS DEVELOPMENT PARTNERSHIP
P.O. BOX 23435
Knoxville, TN 37933
PH. (865) 740-3000



- CLT MAP 152, PARCEL 25.04
- NO. OF LOTS - 38 Single Family 40 Total
- AREA SUBDIVIDED - 28.51 ACRES.
- IRON PINS AT ALL CORNERS, INDICATED WITH A. ALL PINS ARE SET UNLESS NOTED OTHERWISE WITH AN "F"
- A FIVE (5) FOOT UTILITY, DRAINAGE, AND CONSTRUCTION EASEMENT ON EACH SIDE OF INTERIOR LOT LINES, TEN (10) FOOT UTILITY, DRAINAGE, AND CONSTRUCTION EASEMENT ON INSIDE OF ROAD RIGHTS-OF-WAY AND LOT LINES IS RESERVED.
- THIS PROPERTY IS ZONED R1/D5R.
- 7.5' UTILITY EASEMENT EACH SIDE OF SANITARY SEWER LINES AS INSTALLED.
- BUILDING SETBACK LINES:
FRONT - 20' (FRONT FACING GARAGES REQUIRE 30')
SIDE - 10'
REAR - 25' (50' PERIPHERAL BUFFER AGAINST FORT WEST SUBDIVISION)
PERIPHERAL - 50'
- HEIGHT REGULATIONS: NO PRINCIPAL BUILDING SHALL EXCEED TWO AND ONE-HALF (2-1/2) STORIES OR THIRTY FIVE (35) FEET IN HEIGHT.
- BEARINGS ARE REFERENCED TO TOWN OF FARRAGUT GRID.
- COMMON AREAS FOR ENTIRE S/D OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- LOT COVERAGE PER LOT - 8,579 S.F.
BUILDING COVERAGE PER LOT - 6,128 S.F.
- THE PURPOSE OF THIS PLAT IS TO CREATE 38 LOTS FROM EXISTING PARCEL 25.04.

RELEASE OF EASEMENTS CERTIFICATION

Except as noted or shown on this plat, the following parties hereby consent to the release of all rights that may have accrued for their use and benefit in the utility, drainage, and construction easements along the original lot lines or prior easements identified hereon which are eliminated by this plat, on the condition that new utility, drainage, and construction easements are provided along the new property lines or as otherwise shown hereon. The above provisions notwithstanding, prior easements or prior utility placements are not released unless specifically noted hereon. Existing easements or placements shown hereon will not be adversely affected by the development as herein proposed.

Signature (sewer)	Date
Signature (water)	Date
Signature (electricity)	Date
Signature (gas)	Date
Signature (telephone)	Date
Signature (cable)	Date
Signature (Town of Farragut)	Date

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown here has been found to comply with the Subdivision Regulations for Farragut, Tennessee, with the exception of such variance, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the Office of the County Register of Deeds.

Date _____ 20 _____ Secretary, Planning Commission

Graphic Scale in Feet
100' 50' 0' 100' 200'

FINAL PLAT
BRIDGEMORE SUBDIVISION
PHASE II

CLT 152 PARCEL 25.04
TOWN OF FARRAGUT
DISTRICT 6 - KNOX CO., TENN.
SCALE: 1"=100' AUG. 18, 2014

MEETING DATE: October 16, 2014

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion and public hearing on an amendment to the text of the Farragut Municipal Code, Title 16, Streets and Sidewalks, Etc., Chapter 4, Driveways and Other Access Ways, by amending Sections 16-402 and 16-403.1-4 to clarify the requirement for a traffic impact study in relation to rezoning requests

INTRODUCTION AND BACKGROUND: The Driveways and Other Access Ways Ordinance in Chapter 4 of the Farragut Municipal Code addresses, among other items, the Town's requirements for traffic impact studies (TIS). The current language requires a TIS in relation to a site plan and a preliminary plat submittal. There is no specific language in this ordinance that addresses the need for a TIS in association with a rezoning request. Ordinance 14-18 addresses this need.

DISCUSSION: The specific modifications to this ordinance in Sections 16-402 and 16-403.1-4 specify that a TIS will be required as part of a rezoning request when the requested zoning district would result in an increase in the density from what is currently permitted in the base zoning district.

The logic of tying the TIS requirement to a rezoning request is that the process of rezoning property can result in a substantial increase in density. The impacts on the affected roadways and any other public safety issues associated with this increased density need to be thoroughly assessed prior to the zoning change being made. In this manner, the decision makers can better evaluate the appropriateness of the request and whether any limitations and/or conditions should be placed on a rezoning in order to prevent unnecessary problems.

This amendment provides the planning commission and board of mayor and aldermen with a mechanism for obtaining quantifiable data to make a more informed decision when it comes to rezoning requests that increase overall densities on a property.

Ordinance 14-18 includes the proposed amendments to the Driveways and Other Access Ways Ordinance. The specific changes to the current wording are noted in red. Ordinance 14-18 is consistent with the CLUP and the Strategic Plan. Both of these documents have language which encourages appropriate land uses for future development. Having a TIS for rezonings that increase density advances this objective.

RECOMMENDATION: The staff recommends approval of Resolution PC-14-12 which recommends approval of Ordinance 14-18.

**Title 16, Streets & Sidewalks, Chapter 4, Driveways & Other Access Ways,
Sections 16-402 & 16-403.1-4
(proposed changes noted in red)**

Title 16, Section 402., General Provisions:

- (1) All access ways shall meet the minimum access requirements of this chapter or as determined by a Traffic Impact Study;
- (2) The Farragut Municipal Planning Commission shall review access requests through the site plan review process and forward its recommendation to the Board of Mayor and Aldermen;
- (3) The Farragut Municipal Planning Commission shall review new proposed roadway accesses to an existing public road through the subdivision platting process. These roadway accesses shall meet the minimum access requirements of this chapter or as determined by a Traffic Impact Study;
- (4) The Farragut Board of Mayor and Aldermen shall review access applications as provided in this chapter, except new roadway accesses to an existing public road created through the subdivision platting process;
- (5) Developments requiring the submittal of a site plan or a preliminary subdivision plat may require a Traffic Impact Study;
- (6) **The Farragut Municipal Planning Commission may require a traffic impact study as part of the rezoning submittal process when the requested zoning change increases the overall density from the base zone.**
- (67) Tennessee Department of Transportation access permits shall be the responsibility of the applicant.

Title 16, Section 403.1-4., Traffic Impact Study:

- (1) (a) The submission of a traffic impact study shall be required with **rezoning**, site plan and preliminary plat requests in accordance with the following table:

<u>24 Hr. Trip Generation</u>	<u>Traffic Study Scope</u>
0 — 750 ADT	Level I
750 — 6000 ADT	Level II
> 6000 ADT	Level III

- (b) Trip generation rates for proposed uses shall be calculated using the ITE Trip Generation Manual, 5th (or latest) Edition.
 - (c) Upon being provided proof by the developer's traffic engineer that a lower level traffic impact study would be adequate for a proposed development, or that a traffic study is not warranted, the Town engineering staff may reduce the level of study required or waive the requirement.
- (2) *Traffic impact study guidelines and procedures.*

- (a) These traffic impact study guidelines and procedures define when proposed rezoning, site plans and preliminary plat requests warrant a detailed traffic study and what information should be included in it. All applicants will be required to follow the Town of Farragut guidelines.
- (b) The purpose of performing a traffic impact study, as defined by the Institute of Traffic Engineers (ITE), is to:
 - (i) Provide guidance for short and long term planning of site access;
 - (ii) Provide guidance for on-site circulation and the interface between on-site circulation and off-site traffic;
 - (iii) Provide guidance for off-site improvements needed to permit the roadway system to function satisfactorily so as to accommodate site and non-site traffic;
 - (iv) Assist developers and land owners in making land use site planning decisions regarding traffic;
 - (v) Identify the contribution a particular development makes to roadway system traffic volumes;
 - (vi) Provide a basis for estimating roadway improvement requirements attributable to a particular project;
 - (vii) Assess the compatibility with local transportation plans;
 - (viii) Enable staff to better evaluate zoning changes and development plans; and
 - (ix) Allow appointed and elected officials to know implications of their voting decisions.
- (3) *Scope of required traffic impact studies.* Three (3) levels of study have been identified based on the number of trips that a development is projected to generate in a twenty-four-hour period:

Level I studies require analysis of each access, per engineering staff, that the development has to an existing roadway. Access points to be analyzed include public and private roads, joint permanent easements, and private drives.

Level II studies require analysis of each access that the development has to an existing roadway, and to the first control point beyond those access points. A control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where a traffic control device does not exist, engineering staff will determine the extent of the study. If a freeway interchange is near the property to be developed and is not signalized, engineering staff will determine if the ramps need to be included in the study. This level of study is commonly required for larger residential subdivisions, commercial developments, and office complexes.

Level III studies require a complete traffic impact study. This study must

address each access point, the first control point beyond each access point, and the nearest collector intersection or street of higher classification or as determined by the engineering staff. The exact area to be studied will be determined by the engineering staff with input from the study preparer. Level III studies are uncommon, as they are usually warranted only with very large mixed-use and commercial developments.

(4) *Submission and review procedures for traffic impact studies.*

- (a) Applicants should conduct a preliminary trip generation assessment of any proposed rezoning, site plan or preliminary plat request to determine if a traffic impact study will be required. This preliminary assessment should be conducted well in advance of the actual submission of plans.
- (b) If the preliminary assessment indicates that a traffic impact study will be required, the applicant should consult as early as possible in the plan-development process with the Town's engineering staff to verify a development's projected trip generation, and to confirm whether or not a study will be required. If a study is required, the required level can be determined at that time.
- (c) The applicant shall then select a licensed traffic or transportation engineer to prepare the study, who may need to consult with the engineering staff periodically to review the collected data and any assumptions made in the draft report.
- (d) Four (4) copies of the completed draft traffic impact study shall be submitted along with the development application and all other materials required for submission.
- (e) The engineering staff shall review the draft traffic impact study in conjunction with the other elements of the development application. If the draft traffic impact study is not of the proper scope or is executed improperly, the applicant shall be notified of the deficiencies and be required to submit corrections on the same schedule that applies to the other elements of the development application. Failure to submit corrections in a timely manner may lead to a postponement of the application until the next regularly scheduled Planning Commission meeting.

Since a completed traffic impact study must be submitted at the same time as the application for a development, it is critical that the applicant conduct steps one (1) through three (3) early in their planning of a proposed development. Failure to submit a traffic impact study, or submission of an inadequate study, is likely to slow the review process and may lead to postponements.

RESOLUTION PC-14-12

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO AMEND THE TEXT OF THE FARRAGUT MUNICIPAL CODE, TITLE 16, STREETS AND SIDEWALKS, ETC., CHAPTER 4, DRIVEWAYS AND OTHER ACCESS WAYS, SECTIONS 16-402 AND 16-403.1-4 TO CLARIFY THE REQUIREMENT FOR A TRAFFIC IMPACT STUDY IN RELATION TO REZONING REQUESTS

WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on October 16, 2014;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of an ordinance, amending the text of the Farragut Municipal Code, Title 16, Streets and Sidewalks, Etc., Chapter 4, Driveways and Other Access Ways, Sections 16-402 and 16-403.1-4, by adding Ordinance 14-18.

ADOPTED this 16th day of October, 2014.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

ORDINANCE:	14-18
PREPARED BY:	Shipley
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	October 16, 2014
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT MUNICIPAL CODE, TITLE 16, STREETS AND SIDEWALKS, ETC., CHAPTER 4, DRIVEWAYS AND OTHER ACCESS WAYS, BY AMENDING SECTIONS 16-402 AND 16-403.1-4 TO CLARIFY THE REQUIREMENT FOR A TRAFFIC IMPACT STUDY IN RELATION TO REZONING REQUESTS

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Title 16, Chapter 4, Driveways and Other Access Ways, of the Farragut Municipal Code,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

The Farragut Municipal Code, Title 16, Streets and Sidewalks, Chapter 4, Driveways and Other Access Ways, Sections 16-402 and 16-403.1-4, are amended by deleting it in its entirety and substituting in lieu thereof the following:

SECTION 2.

Title 16, Section 402., General Provisions., is amended by inserting the following:

- (1) All access ways shall meet the minimum access requirements of this chapter or as determined by a Traffic Impact Study;
- (2) The Farragut Municipal Planning Commission shall review access requests through the site plan review process and forward its recommendation to the Board of Mayor and Aldermen;
- (3) The Farragut Municipal Planning Commission shall review new proposed roadway accesses to an existing public road through the subdivision platting process. These roadway accesses shall meet the minimum access requirements of this chapter or

- as determined by a Traffic Impact Study;
- (4) The Farragut Board of Mayor and Aldermen shall review access applications as provided in this chapter, except new roadway accesses to an existing public road created through the subdivision platting process;
 - (5) Developments requiring the submittal of a site plan or a preliminary subdivision plat may require a Traffic Impact Study;
 - (6) The Farragut Municipal Planning Commission may require a traffic impact study as part of the rezoning submittal process when the requested zoning change increases the overall density from the base zone.
 - (7) Tennessee Department of Transportation access permits shall be the responsibility of the applicant.

SECTION 3.

Title 16, Section 403.1-4., Traffic Impact Study Requirements., is amended by inserting the following:

- (1) (a) The submission of a traffic impact study shall be required with rezoning, site plan and preliminary plat requests in accordance with the following table:

<u>24 Hr. Trip Generation</u>	<u>Traffic Study Scope</u>
0 — 750 ADT	Level I
750 — 6000 ADT	Level II
> 6000 ADT	Level III

- (b) Trip generation rates for proposed uses shall be calculated using the ITE Trip Generation Manual, 5th (or latest) Edition.
 - (c) Upon being provided proof by the developer's traffic engineer that a lower level traffic impact study would be adequate for a proposed development, or that a traffic study is not warranted, the Town engineering staff may reduce the level of study required or waive the requirement.
- (2) *Traffic impact study guidelines and procedures.*
 - (a) These traffic impact study guidelines and procedures define when proposed rezoning, site plans and preliminary plat requests warrant a detailed traffic study and what information should be included in it. All applicants will be required to follow the Town of Farragut guidelines.
 - (b) The purpose of performing a traffic impact study, as defined by the Institute of Traffic Engineers (ITE), is to:
 - (i) Provide guidance for short and long term planning of site access;
 - (ii) Provide guidance for on-site circulation and the interface between on-site circulation and off-site traffic;

- (iii) Provide guidance for off-site improvements needed to permit the roadway system to function satisfactorily so as to accommodate site and non-site traffic;
 - (iv) Assist developers and land owners in making land use site planning decisions regarding traffic;
 - (v) Identify the contribution a particular development makes to roadway system traffic volumes;
 - (vi) Provide a basis for estimating roadway improvement requirements attributable to a particular project;
 - (vii) Assess the compatibility with local transportation plans;
 - (viii) Enable staff to better evaluate zoning changes and development plans; and
 - (ix) Allow appointed and elected officials to know implications of their voting decisions.
- (3) *Scope of required traffic impact studies.* Three (3) levels of study have been identified based on the number of trips that a development is projected to generate in a twenty-four-hour period:

Level I studies require analysis of each access, per engineering staff, that the development has to an existing roadway. Access points to be analyzed include public and private roads, joint permanent easements, and private drives.

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Level III studies require a complete traffic impact study. This study must address each access point, the first control point beyond each access point, and the nearest collector intersection or street of higher classification or as determined by the engineering staff. The exact area to be studied will be determined by the engineering staff with input from the study preparer. Level III studies are uncommon, as they are usually warranted only with very large mixed-use and commercial developments.

- (4) *Submission and review procedures for traffic impact studies.*
- (a) Applicants should conduct a preliminary trip generation assessment of any proposed rezoning, site plan or preliminary plat request to determine if a

traffic impact study will be required. This preliminary assessment should be conducted well in advance of the actual submission of plans.

- (b) If the preliminary assessment indicates that a traffic impact study will be required, the applicant should consult as early as possible in the plan-development process with the Town 's engineering staff to verify a development's projected trip generation, and to confirm whether or not a study will be required. If a study is required, the required level can be determined at that time.
- (c) The applicant shall then select a licensed traffic or transportation engineer to prepare the study, who may need to consult with the engineering staff periodically to review the collected data and any assumptions made in the draft report.
- (d) Four (4) copies of the completed draft traffic impact study shall be submitted along with the development application and all other materials required for submission.
- (e) The engineering staff shall review the draft traffic impact study in conjunction with the other elements of the development application. If the draft traffic impact study is not of the proper scope or is executed improperly, the applicant shall be notified of the deficiencies and be required to submit corrections on the same schedule that applies to the other elements of the development application. Failure to submit corrections in a timely manner may lead to a postponement of the application until the next regularly scheduled Planning Commission meeting.

Since a completed traffic impact study must be submitted at the same time as the application for a development, it is critical that the applicant conduct steps one (1) through three (3) early in their planning of a proposed development. Failure to submit a traffic impact study, or submission of an inadequate study, is likely to slow the review process and may lead to postponements.

SECTION 4.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2014,
with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: G. Palmer, Assistant Town Administrator

SUBJECT: Ordinance 14-19, an ordinance on to establish an Everett Road Corridor Improvement Fee

INTRODUCTION: This Ordinance will mandate a flat road improvement fee for certain residential developments on Everett Road. This Ordinance will be presented to the BOMA in November for first reading. I am soliciting comments and a recommendation from the FMPC at their October 2014 meeting.

BACKGROUND/DISCUSSION: On August 14, 2014 the Board approved a subdivision development agreement with Farmstead Development LLC. This agreement required the developer to contribute to the cost of improving Everett Road based on a formula (SEE attached agreement). Farmstead Development LLC is building Split Rail Farm Subdivision which directly connects to Everett Road and will intensify the traffic along the sub-standard Everett Road corridor. There are several additional large tract parcels on Everett Road which may develop in the future. Therefore, in line with the Farmstead development agreement, the Town should collect a road improvement fee from similar residential developments proposing to develop along Everett Road. In order to pre plan, promulgate, and move away from the individual cost-sharing agreements the Town has done in the past, we propose this uniform Everett Road Corridor Improvement Fee Ordinance.

Our adopted Comprehensive Land Use Plan calls for low density single family housing along the Everett Road corridor similar to the Split Rail Farm development. Thus, this Ordinance shall only apply to residential developments which contribute to the traffic on Everett Road from Kingston Pike to the northern Town boundary (SEE attached map). The fee in the agreement with Farmstead Development was heavily negotiated and based on several factors: cost of Everett Road from Smith Road to the Split Rail Farm subdivision entrance, existing traffic counts on Everett Road, projected traffic counts (trips per day) generated by the addition of Split Rail Farm at full build out, anticipated contribution to the traffic onto Everett Road (but only traveling southbound). The fee calculated and negotiated is \$3,276 per dwelling unit.

We feel this calculated negotiated fee of \$3,276 per dwelling unit is substantially less than what we could have charged since we only counted the *southbound* traffic contribution onto Everett Road; but, we feel it is in the best interest of the Town and its development partners to apply this fee uniformly along Everett Road though this Ordinance.

RECOMMENDATION BY: G. Palmer, Assistant Town Administrator for approval.

PROPOSED MOTION: Recommend the BOMA Approve Ordinance 14-19 establishing an Everett Road corridor improvement fee.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

ORDINANCE:	14-19
PREPARED BY:	PALMER
REQUESTED BY:	
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

DESCRIPTION:

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, through the Farragut Municipal Planning Commission, created and adopted the Farragut Comprehensive Land Use Plan, Future Land Use Map, Zoning Map, and Major Road Plan; and,

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, recognize the need to establish growth policies designed to manage growth and mitigate the public expense arising from private development ; and,

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, are enabled through the State to establish fees for certain activities; and,

WHEREAS, the Town has established a proportionate-share formula for the cost of improving Everett Road; and,

WHEREAS, the Town has applied this formula through an agreement with a private developer to share in the cost of improving Everett Road; and,

WHEREAS, the Town desires to continue to use this proportionate-share formula with future developers proposing to build on Everett Road;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended by adding Title 16 Streets and Sidewalks, etc., Chapter 6 Everett Road Corridor Improvement Fee.

SECTION 1:

16-601 Purpose. It is the intent and purpose of this chapter to establish a uniform regulatory procedure for assessing and collecting fees from developments which contribute vehicular

traffic to Everett Road within the Town of Farragut. Fees collected will be used to improve Everett Road thereby ensuring the safety of its users.

16-602 Authority. This chapter is adopted pursuant to the powers conferred to the Town of Farragut by the State of Tennessee; Tennessee Code Annotated §§ 6-2-201 et seq.

16-603 Applicability. This Ordinance shall apply to all new Development and dwelling units on land areas having direct road access to Everett Road.

16-604 Definitions. The following definitions shall apply only to this chapter:

Developer: Is a person, firm, partnership, corporation or other legal entity, commencing a land development activity or redevelopment activity, which when completed with dwelling units or contemplated construction will generate or attract traffic to Improved Everett Road, and which requires subdivision or site plan approval, or a building permit from the Town of Farragut.

Development: Any change in land use, any construction of structures, or any change in the use of any existing structure, which when completed with dwelling units or contemplated construction will generate or attract traffic to Improved Everett Road and which requires subdivision or site plan approval, or a building permit from the Town of Farragut.

Improved Everett Road: The section of Everett Road in the Town of Farragut to be improved as shown on Exhibit B, such section lying south of the entrance to Split Rail Farms Subdivision to Union Road, the estimated cost of which improvements were the basis upon which the Road Improvement Fee was calculated.

Road Improvement Area: The land area shown on Exhibit B, the development of which will result in Development accessing the Improved Everett Road and which will be subject to payment of the Road Improvement Fee (SEE Road Improvement Area Map Exhibit B)

Road Improvement Fee: Road Improvement Fee: Required Everett Road Corridor fee in the amount of \$3,276 per dwelling unit. This flat fee per dwelling unit was calculated based the negotiated Split Rail Farm Cost Sharing Agreement formula (SEE Split Rail Farm Contract Exhibit B)

16-605 Road Improvement Fee as Condition of Development Approval. Any required approval related to a Development (i.e. rezoning, subdivision, site plan approval, building permit, etc.) shall be conditioned by the Farragut Municipal Planning Commission, or other approving authority of the staff of the Town, upon the payment of the Road Improvement Fee at the time when the final approval is granted, which approval would authorize the Developer to

commence construction on the land area governed by the approval granted. If not previously paid, no building permit for land located within the Road Improvement Area in the Town of Farragut shall be issued until the Road Improvement Fee herein established has been paid in full by the Developer for the entire Development or for the individual lot being petitioned for permitting.

16-606 Road Improvement Fee and Payment. (a) The developer or lot owner shall pay the Road Improvement Fee of \$3,276.00 per dwelling unit, which has been calculated by the Town Administrator based on the factors set forth in Exhibit B. Said fee shall be paid in either of the following ways, except as the Farragut Municipal Planning Commission may allow pursuant to subsection (b) below:

1. Upon application for a building permit for construction of any individual dwelling unit within the development, or
2. The entire calculated fee amount for all proposed dwelling units planned for the Development upon final subdivision plat or site plan approval and prior to any permitted construction.

(b) In the case of a Development which contemplates more than 20 dwelling units or multi-family residences, in lieu of payment of the Road Improvement Fee at the time of final subdivision plat approval, the Farragut Municipal Planning Commission may authorize the Town Administrator to accept an appropriate irrevocable letter of credit from a federally insured lending institution acceptable to the Town of Farragut in the full amount of the Road Improvement Fee for each of the dwelling units planned for inclusion in the Development. Said letter of credit shall provide authorization to the Town of Farragut to draw the Road Improvement Fee for each dwelling unit (i) as a condition of the issuance of a building permit authorizing the construction of the related dwelling unit or units in the case of multi-family structures, or (ii) upon the closing of the sale by the Developer of unimproved lot(s) or parcel(s) of land. The irrevocable letter of credit is intended to ensure that the Road Improvement Fee for each dwelling unit in a Development will be paid prior to the commencement of construction of the dwelling unit. Authorization of this method of securing the Road Improvement Fees is within the absolute discretion of the Farragut Municipal Planning Commission to grant, which may take into account not only the circumstances and Town history with the Developer, but also the needs and resources of the Town with respect to the road improvements to be made.

16-607 Collection of Road Improvement Fees. Payment of all fees due shall be by cash, check, money order or other method acceptable to the Town Administrator or his/her designee. Fees may be submitted through the Building Division upon individual permit application with the Building Division transmitting to the Recorder's Office all fees collected in this manner and a copy of all related fee transaction documents for recordation. If the developer elects to make a lump sum payment for the entire development fee, this shall be done directly through the Town Recorder's Office.

16-608 Establishment of Account. The Town shall establish a separate interest-bearing account into which all Road Improvement Fees shall be deposited. Interest earned on the account into which the fees are deposited shall be considered funds of the Town and shall be used solely for the purposes specified for the funds of such account. The Town Recorder's Office shall maintain and keep financial records for each account.

16-609 Use of Proceeds. The Road Improvement Fees collected pursuant this chapter shall be used to subsidize the cost to the Town of improving Everett Road. This may include right of way acquisition, design and engineering, construction and re construction.

16-610 Refunds. Any Road Improvement Fee, or portion thereof collected pursuant this chapter which has not be expended within eight (8) years from the date of payment shall, upon application by the payor, be refunded to the payor. All funds collected shall be deemed to be expended in the same order in which they were collected; that is, the funds collected first shall be expended first. Refunds shall be made only upon written application to the Town Recorder's Office. Refunds shall be made to the record owner of the property for which the Road Improvement Fee was paid.

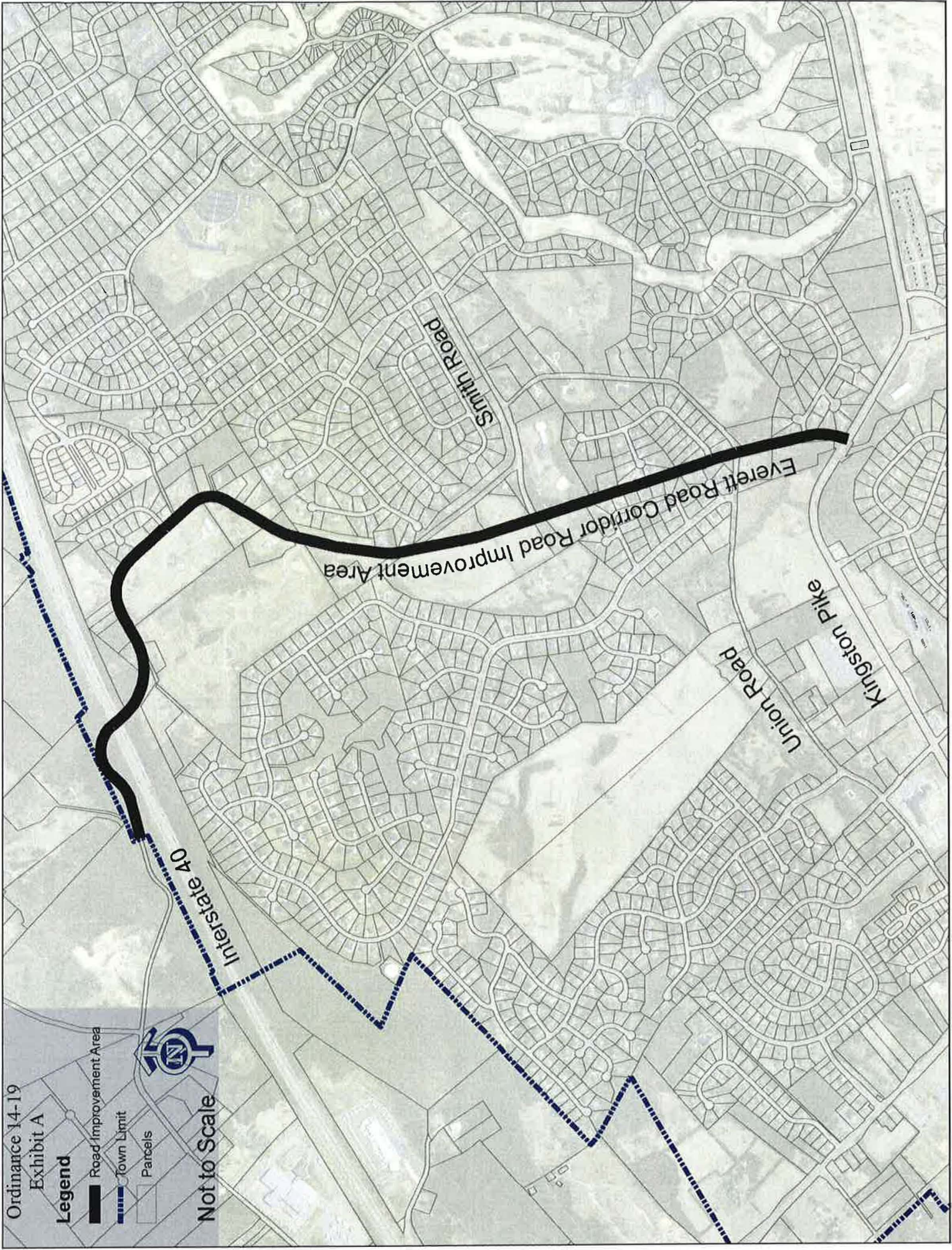
SECTION 2.

This Ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2014.



This Instrument Was Prepared By & Return To:
Perrone & Young, Attorneys At Law
109 Westpark Drive, Suite 330
Brentwood, TN 37027

**RESIDENTIAL SUBDIVISION
DEVELOPMENT CONTRACT**

THIS RESIDENTIAL SUBDIVISION DEVELOPMENT CONTRACT (sometimes called herein "**Contract**") is made and entered into effective this the _____ day of August, 2014, (the "Effective Date") by and between SRF Holdings, LLC, **Farmstead Developments, LLC**, the address of which is 11328 Fords Cove, Knoxville, TN 37934, (collectively referred to as the "Owner/Developer") hereinafter referred to as "Owner", and the **Town of Farragut**, a municipality organized and existing under the laws of the State of Tennessee ("Town").

WITNESSETH

WHEREAS, the Developer is the "Owner" of a tract of land zoned R-1 and OSR, which contains approximately 52.13 acres as described on exhibit "A" attached hereto (the "Subdivision Site") and is allowed by its zoning, subject to complying with the Town's requirements, to improve and develop the Subdivision Site into a maximum of approximately 96 platted, recordable, residential building lots (the "Subdivision"); and

WHEREAS, historically the Town has entered into agreements with Owners of land in the Town pursuant to which the Owners contributed to cost of improvements to the roads serving the land area being developed; and

WHEREAS, it is the purpose and intent of this Contract to create covenants running with the land of the Subdivision Site, which shall bind the current Owner and all subsequent Owners to the terms, conditions, provisions and obligations contained herein; and

WHEREAS, Developer, or its predecessors in interest, has submitted three different preliminary plats for the continued development of the land, the first being conditionally approved by the Farragut Municipal Planning Commission ("FMPC") on the 20th day of September, 2012, the second being conditionally approved on the 21st day of March, 2013 (the latter referred to herein as the "Subdivision Plan") and the third approved by the FMPC at its meeting on the 19th day of June, 2014 (the "Amended Subdivision Plan"); and

WHEREAS, throughout the history of the planning for the development of the Subdivision, a major concern of the Town has been the need to improve Everett Road from the point it is intercepted by Smith Road to the entrance to the Subdivision (the "Road Improvement Area"), and the impact of the increased usage of Everett Road that will result from citizens residing in the Subdivision; and

WHEREAS, in order to address this concern, the previous developer and the Town entered into a cost sharing agreement pursuant to which they agreed to share in the cost of improving the Road Improvement Area; and

WHEREAS, the FMPC granted approval of the Subdivision Plan conditioned upon the Owner providing the Town with a letter of credit in the amount determined to be a pro rata share of the cost of improving the Road Improvement Area based upon the estimated usage of the Road Improvement Area by residents of the Subdivision compared with total estimated usage assuming all developable land areas that access the Road Improvement Area were developed (the "Road Development Fee"); and

WHEREAS, the FMPC granted approval of the Amended Subdivision Plan conditioned upon the Owner agreeing to and implementing the terms and conditions of this Contract; and

WHEREAS, the Owner is also required to complete installation with respect to the Subdivision, as applicable and as provided herein, public improvements, including, water lines, fire hydrants, sanitary sewer lines, grading, stormwater drainage system, streets, curbs, gutters, sidewalks, pedestrian facilities, street name signs, traffic control devices, street lights and underground electrical power and gas utilities in said project at its own cost, all as shown and provided for on the Amended Subdivision Plan and as noted on Exhibit B; and

WHEREAS, the Owner may be required pursuant to its application and FMPC approval to install private improvements and amenities, including, private streets and alleys, fences, walls, lakes, swimming pools, tennis courts and other recreational facilities, common open space, stormwater retention and/or detention basins, landscaping and related irrigation systems, relative to said Subdivision, none of which shall be accepted for maintenance by the Town; and

WHEREAS, the Town is willing to enter into this Contract with the Owner relative to the development of the Subdivision Site and the Town is willing to provide services to the Subdivision in accordance with the Town's standard written policies and applicable rates; and

WHEREAS, the Town is willing to approve the Subdivision, subject to the applicant's compliance with applicable existing written or codified laws, ordinances, and regulations and the conditions set forth herein.

NOW, THEREFORE, in consideration of the premises and the mutual covenants of the parties herein contained, it is understood and agreed as follows:

1. Construction Standards. The Owner shall construct the Subdivision in accordance with the Amended Subdivision Plan and/or any approved revisions thereto, as approved by the FMPC, and in accordance with the written requirements of (a) the Town of Farragut Subdivision Regulations; (b) the Standard Building Code (as adopted by the Town of Farragut and set forth in writing); and (c) the applicable Ordinances, Codes, regulations and directions of the Town. Items (a) through (c) are hereby made a part of this Contract by reference and are hereinafter referred to collectively as the "Codes". References herein to the Codes are to those in effect on the Effective Date unless amendments are hereafter made which apply to all improvements or

subdivisions regardless of their date of commencement and/or completion of construction. The conditions of approval of the Amended Subdivision Plan established by the FMPC are set forth herein and in Exhibit B to this Contract and are incorporated herein by reference and made a part hereof.

As required if applicable to zoning for R-1 and OSR, the Developer shall construct the Subdivision in accordance with the following, which are also made a part of this Contract by reference:

- (a) The standards of the American Society for Testing Materials (ASTM);
- (b) The requirements of the Occupational Safety and Health Administration (OSHA);
- (c) The requirements of the Federal Americans with Disabilities Act (ADA);
- (d) The Standard Specifications for Road and Bridge Construction of the Tennessee Department of Transportation; and
- (e) The Standards of the American National Standards Institute (ANSI);

all as are in effect on the Effective Date unless amendments are hereinafter made which apply to all improvements or projects regardless of their date of commencement and/or completion of construction.

2. Approval of the Amended Subdivision Plans. The Owner has obtained conditional approval by the FMPC of the Amended Subdivision Plan which may be referred to as the preliminary plat in the Codes. All construction relating to the Subdivision shall be subject to inspection and approval by the Town until the final plat is approved by the Planning Commission and the maintenance periods provided for in the Codes have expired.

3. Road Improvement Fee. In lieu of entering into a cost sharing agreement with the Town for installation of the Road Improvements in the Road Improvement Area, Owner shall pay the Town a one time, per buildable residential lot, Road Improvement Fee in the amount of Three Thousand Two Hundred and Seventy Six Dollars (\$3,276.00) per lot (the "Lot Road Lien") times the number of residential lots in the Subdivision, up to the approximately 96 lot maximum entitlement. Accordingly, this would result in a maximum total of Road Improvement Fees for the Subdivision of approximately Three Hundred and Fourteen Thousand, Four Hundred and Ninety Six Dollars (\$314,496.00), which shall be secured and paid as follows:

(a) Security. This Contract shall be recorded in the Register of Deeds office for Knox County, Tennessee upon approval of the Amended Subdivision Plan, as shall the Declaration of Covenants and Restrictions governing the subdivision prior to the recording of the final plat. The Owner hereby grants in favor of the Town a one time Lot Road Lien on each buildable residential lot ultimately approved in the amount of \$3,276.00 per lot. In order to secure the obligation to the Town for the Lot Road Lien, as specified in the Contract, the developer shall, at its option, either (i) provide the Town an irrevocable standby letter of credit from a reputable lender acceptable to the Town in the amount of the total possible Road Improvement Fees (\$3,276 x maximum number of residential lots approved for inclusion in the subdivision), or (ii) a first priority position of the Lot Road Liens superior to all other encumbrances upon said Lots by way of the execution and recording by existing lienholders or

encumbrancers memorializing the subordination of the subject lien or encumbrance to the lien of the Lot Road Liens. The plat note in the content of Exhibit C shall be included on the Amended Subdivision Plan and the final plat for the subdivision. The parties agree that notwithstanding any provision herein to the contrary that the Lot Road Lien amount is due for each dwelling unit ultimately constructed within the subdivision such that should the subdivision be sold in bulk with an approved final plat with less than the maximum entitlement of 96 lots and the Road Improvement Fees are paid upon such sale, and then the purchaser amends the final plat to increase the number of residential lots in the subdivision, each of the additional lots shall be encumbered by the Lot Road Lien. Such will be a condition and requirement upon the approval by the FMPC of any amended final plat, which increases the number of residential lots.

(b) Payment. Such Lot Road Liens shall be paid or satisfied either (i) at the time of sale of the lot or (ii) upon the application for a building permit for construction of a dwelling unit on the lot, whichever occurs first. Upon the receipt of payment to satisfy the Lot Road Lien for a lot, the Town will execute a release related to the lot for which the Lot Road Lien is being satisfied, or shall acknowledge to the issuer of the standby letter of credit that the amount of the letter of credit shall be reduced commensurate with the Lot Road Lien being satisfied.

(c) Subordination. Should Owner opt not to obtain a letter of credit to secure the Lot Road Liens, then a condition of the approval and recording of the final plat shall be the execution and recording by all priority lien holders, currently First Citizens National Bank and Stonegate Acquisitions, LLC, a Tennessee limited liability company, and any other holder of a lien or an encumbrance upon the lots in the subdivision of an instrument subordinating the liens of their encumbrances to the lien or liens in favor of the Town securing the Lot Road Liens, in a form satisfactory to the Town Attorney.

(d) Letter of Credit. Should Owner not be able to obtain the subordinations described herein, or should it opt to secure its obligations by obtaining a letter of credit, then a condition of the approval and recording of the final plat shall be delivery to the Town of the irrevocable standby letter of credit in the amount provided for hereinabove with an expiration date of one (1) year, but automatically renewable for successive one (1) year periods unless the issuer gives the Town notice, in writing, ninety (90) days prior to its expiration date, at which time the Town can draw up to the full face value of the letter of credit, or accept other adequate security acceptable to the Town, in the amount of the total possible Road Improvement Fees based upon the number of residential lots Owner intends to constitute the Subdivision.

(e) Open Space Lots. Because open space lots would not have a Dwelling Unit, no Road Improvement Fees are owed on, and no Lot Road Lien shall encumber open space lots or be due upon the disposition, or the application for a building permit for amenities to be constructed thereon.

(e) Timing of Road Improvement. Unless the Town has not received the required Road Improvement Fees for the entire Subdivision, it will use its best efforts to appropriate funding, design and commence construction of the improvements in the Road Improvement Area not later than the fifth anniversary following execution of this Agreement.

The Town may, but is not required hereunder to, start the process of designing and constructing the Road Improvements until it has received the required Road Improvement Fees in full.

4. Ownership. (a) The Owner agrees it shall have no claim, direct or implied, in the title or ownership of the improvements specified in this contract that are to be dedicated to the Town by virtue of the official recording of the plat for the Subdivision and accepted for perpetual maintenance by the Town (the "Public Improvements"). The Town, upon final approval of the plat, will take full title to the Public Improvements. Maintenance responsibilities of the Owner are provided for in the Codes and are limited to said Codes.

(b) The Owner agrees to furnish, on demand, satisfactory evidence that it has the lawful right to enter into this Contract for the purposes herein contained.

5. Transfer of Subdivision Site. (a) Prior to final approval of the final plat by the Planning Commission and its recordation, the Owner agrees that neither the Subdivision Site nor any portion thereof will be transferred without first providing the Town with notice of when the proposed transfer is to occur and who the proposed transferee is, along with the appropriate address and telephone number of the proposed transferee.

(b) If it is the proposed transferee's intention to develop the Subdivision Site or any portion thereof as a subdivision or other development for residential housing, the Owner agrees as part of such transaction to secure from the proposed transferee and to furnish the Town with an assumption agreement by which the transferee agrees to perform the obligations required under this Contract that are applicable to the property to be acquired by the transferee. Unless otherwise agreed by the Town, the Owner will not be released from any of its obligations hereunder by virtue of such transfer and the Owner and the transferee both shall be jointly and severally liable to the Town following such transfer for all obligations hereunder that are applicable to the property transferred. Said assumption agreement will be subject to the approval of the Town Attorney.

(c) If the Owner and the transferee intend to enter into an assumption agreement whereby the Owner is released from its obligations under this Contract, the Owner must present the assumption agreement to the Town for consideration and possible approval by the Board of Mayor and Aldermen. In the event of such approval, the transferee will be required to furnish new security acceptable to the Town.

(d) If it is not the proposed transferee's intention to develop the Subdivision Site as a residential subdivision or other development for residential housing, the transferee must satisfy all applicable written requirements of the Town, including review by and approval of all appropriate Boards and Commissions.

(e) The Owner understands that if it transfers said property without providing the notice of transfer and Assumption Agreement as required herein, it will be in breach of this Contract and, at a minimum, the Town may require that all work be stopped relative to the Subdivision.

MISCELLANEOUS CONDITIONS

6. The Owner agrees that it will grant the necessary easements and rights-of-way across its property without expense to the Town of Farragut, as shown on the Amended Subdivision Plan, the approved final plats and the construction plans for the improvement of Everett Road, and will waive any claim for damages.

7. It is understood and agreed that the Town is not and could not be expected to oversee, supervise and/or direct the construction of all construction and improvements contemplated hereunder. Neither is the Town Engineer vested with the original design responsibility nor the means to formally survey elevations, capacity, structural integrity, type, adequacy or the locations of improvements at every stage of the construction process. The Town Engineer is vested with the right of periodic inspections, final approval and stop work order as a measure of secondary or subsequent enforcement. The Owner now has and shall retain the responsibility to properly anticipate, survey, design and construct the development improvements and give full assurance that same shall not adversely affect the flow of surface water from or upon any property. In providing technical assistance, plan and design review, the Town does not and shall not relieve the Owner from or accept any liability from the Owner.

8. In emergencies affecting the safety or protection of persons or the work or property at the Subdivision Site or adjacent thereto, the Owner, without special instruction or authorization from the Town, is obligated to act to prevent threatened damage, injury or loss. If the Town has to use its resources in an emergency affecting the Development, it is agreed that the Town will keep a record of costs associated therewith and will be reimbursed by Owner

9. The Owner agrees that the Town shall have the right to enter the Subdivision Site and make emergency repairs to any improvements when the health and safety of the general public requires it. The Owner will reimburse the Town for the reasonable cost incurred by it in making such repairs.

10. The Owner agrees to secure all required permits for the demolition of structures on the subject property. The Owner further agrees that it will haul all scrap, buildings, materials, debris, rubbish and other degradable materials to an authorized landfill and not bury such materials within the Subdivision Site or near thereto.

11. The Owner agrees that should it default in performing any of its obligations under this Contract and it becomes necessary to engage an attorney to file necessary legal action to enforce provisions of this Contract or sue for any sums of money due and owing or liability arising incidental to the Contract, Owner will pay to the Town reasonable attorney's fees and expenses of litigation.

12. The Owner shall be responsible for the cost of any and all relocation, adjustment, modification, installation and/or removal of utilities, streets, curbs, gutters, sidewalks, drainage and all other improvements made necessary by the development of the Subdivision. All electrical utilities shall be installed underground unless expressly waived by the Board of Mayor and Aldermen.

13. Indemnity. The Owner will indemnify and hold the Town harmless against all claims that may arise out of or result from the Owner's performance under this Contract, whether such claims arise out of the actions of the Owner, any subcontractor of the Owner, or anyone directly or indirectly employed by either of them. This indemnity agreement includes, without limitation, all tort claims, both intentional and otherwise, and all claims based upon any right of recovery for property damage, personal injuries, death, damages caused by downstream deposits, sediment or debris from drainage, damages resulting from the Owner changing the volume or velocity of water leaving the Owner's property and entering upon the property of others, and claims under any statutes, Federal or state, relative to water, drainage and/or wetlands, and reasonable attorney's fees and costs incurred by the Town in defending itself as a result of the aforesaid and/or enforcing this Contract.

14. Interpretation and Severability. If any provision of this Contract is held to be unlawful, invalid or unenforceable under present or future laws effective during the terms hereof, such provisions shall be fully severable and this Contract shall be construed and enforced as if such unlawful, invalid or unenforceable provision was not a part of this contract. Furthermore, if any provision of this Contract is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning, which renders it valid.

15. Construction of Contract. Each party has received and had the opportunity to review this Contract, and each party has had the opportunity, whether exercised or not, to have each respective party's attorney review this Contract, and, accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Contract.

16. No Waiver. The failure of the Town to insist upon prompt and strict performance of any of the terms, conditions or undertakings of this Contract, or to exercise any right herein conferred, in any one or more instances, shall not be construed as a waiver of the same or any other term, condition, undertaking or right so long as any such demand conforms with written municipal codes and or Tennessee Codes and Regulations.

17. Amendments and Modification. This Contract shall not be modified in any manner, except by an instrument in writing executed by or on behalf of all parties.

18. Authority to Execute. Town and Owner each warrant and represent that the party signing this Contract on behalf of each has authority to enter into this Contract and to bind the Town and Owner, respectively, to the terms, covenants and conditions contained herein. Each party shall deliver to the other, upon request, all documents reasonably requested by the other evidencing such authority, including a copy of all resolutions, consents or minutes reflecting the authority of persons or parties to enter into agreements on behalf of such party.

19. Notices. All notices, demands and requests required or permitted by this Contract shall be in writing (including telecopy communications) and shall be sent by facsimile transmission, air or other courier, or hand delivery, as follows:

(i) To: TOWN
Town of Farragut
Attn: Town Engineer
11408 Municipal Center Drive
Farragut, Tennessee 37922
Telephone: 865/966-7057
Telecopier: 865/675-2096

With Required Copy To:
Director of Development
At same address and telecopier number as above.

(ii) To: Farmstead Developments, LLC and **SRF Holdings, LLC**
11328 Fords Cove
Knoxville, TN 37934

With a copy to:
Gregory S. Perrone, Attorney
109 Westpark Drive, Suite 330
Brentwood, TN 37027
Telephone: 615/373-6910
Telecopier: 615/373-8716

With a copy to:
Michael Stewart
Bass, Berry & Sims PLC
150 Third Avenue South, Suite 2800
Nashville, TN 37201
Telephone: 615-742-7815
Fax: 615-248-4258

Any notice, demand or request sent by facsimile transmission shall be deemed given for all purposes under this Contract when properly transmitted by telecommunication device. Any notice, demand or request, which is hand delivered or sent by air or other courier shall be deemed given for all purposes under this Agreement when delivered to the intended address.

20. Any party to this Contract may change such party's address for the purpose of notices, demands and requests required or permitted under this Contract by providing written notice of such change of address to the other party, which change of address shall only be effective when notice of the change is actually received by the party who thereafter sends any notice, demand or request.

21. Choice of Law. This Contract is being executed and delivered and is intended to be performed in the State of Tennessee, and the laws (without regard to principles of conflicts of

law) of the State of Tennessee shall govern the rights and duties of the parties hereto in the validity, construction, enforcement and interpretation hereof.

WITNESS the due execution hereof.

OWNER

SRF HOLDINGS, LLC

By: _____

Title: _____

Date: _____

FARMSTEAD DEVELOPMENTS, LLC

By: _____

Title: _____

Date: _____

STATE OF TENNESSEE
COUNTY OF _____

Personally appeared before me, the undersigned authority, in and for said County and State, appeared _____, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who upon this oath acknowledged himself to be a duly authorized Member of SRF Holdings, LLC, the within named bargainor, a limited liability company, and that he as such duly authorized Member, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by the said Justin Morgan as such duly authorized Member.

Witness my hand and official seal at _____, Tennessee, this ____ day of August, 2014.

Notary Public

My Commission Expires: _____

STATE OF TENNESSEE
COUNTY OF _____

Personally appeared before me, the undersigned authority, in and for said County and State, appeared Justin Morgan, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who upon this oath acknowledged himself to be a duly authorized Member of Farmstead Developments, LLC, the within named bargainor, a limited liability company, and that he as such duly authorized Member, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by the said Justin Morgan as such duly authorized Member.

Witness my hand and official seal at _____, Tennessee, this ____ day of August, 2014.

Notary Public

My Commission Expires: _____

TOWN OF FARRAGUT

Dr. Ralph McGill, Mayor

Date: _____

ATTEST: _____
Allison Myers, Town Recorder

STATE OF TENNESSEE)
COUNTY OF KNOX)

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared **Dr. Ralph McGill**, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the Mayor of the **Town of Farragut**, the within named bargainor, a corporation, and that he as such Mayor, being authorized to do so, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself as Mayor.

WITNESS my hand, at office, this ____ day of _____, 2014.

Notary Public

My Commission Expires: _____

APPROVED AS TO FORM:

By: _____
Town Attorney

JOINDER BY OWNER'S LIEN HOLDER

The undersigned First Citizens National Bank, is the holder and owner of the indebtedness secured by the lien and security title of a Deed of Trust encumbering the Subdivision Site, of record as Instrument No. 201309030015293, and as such, the undersigned acknowledges and consents to (i) the Contract; (ii) the lien or liens in favor of the Town securing the Lot Road Liens; and (iii) the Amended Subdivision Plan and the final plat, and hereby subordinates the lien and security title of said Deed of Trust to (i) the Contract; (ii) the lien or liens in favor of the Town securing the Lot Road Liens; and (iii) the Amended Subdivision Plan and the final plat.

FIRST CITIZENS NATIONAL BANK:

By: _____

Name: _____

Title: _____

STATE OF _____)

COUNTY OF _____)

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, _____, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the _____ of _____, a(n) _____, and is authorized by the company to execute this instrument on behalf of the company.

WITNESS my hand, at office, this ____ day of _____, 2014

Notary Public

My Commission Expires:

JOINDER BY OWNER'S LIEN HOLDER

The undersigned Stonegate Acquisitions, LLC, is the holder and owner of the indebtedness secured by the lien and security title of a Deed of Trust encumbering the Subdivision Site, of record as Instrument No. [____], and as such, the undersigned acknowledges and consents to (i) the Contract; (ii) the lien or liens in favor of the Town securing the Lot Road Liens; and (iii) the Amended Subdivision Plan and the final plat, and hereby subordinates the lien and security title of said Deed of Trust to (i) the Contract; (ii) the lien or liens in favor of the Town securing the Lot Road Liens; and (iii) the Amended Subdivision Plan and the final plat.

STONEGATE ACQUISITIONS, LLC:

By: _____
Name: _____
Title: _____

STATE OF _____)

COUNTY OF _____)

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, _____, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the _____ of _____, a(n) _____, and is authorized by the company to execute this instrument on behalf of the company.

WITNESS my hand, at office, this ____ day of _____, 2014.

Notary Public

My Commission Expires:

EXHIBIT A

Tract 1A

Situated in Knox County within the City of Farragut and being more particularly described as follows:

Beginning on an iron pin located in the Southern right-of-way of Everett Road and being approximately 1260 feet West of the centerline of Oakley Downs Road if extended and corner common with Chestnut Farms; thence leaving said right-of-way and with Chestnut Farms South 37 degrees 40 minutes East 1336.57 feet to an iron pin corner common with Chestnut Farms and Holloway Trust; thence leaving Chestnut Farms and with Holloway Trust South 37 degrees 43 minutes East 101.83 feet to an iron pin corner common with Holloway Trust and Pack; thence leaving Holloway Trust and with Pack South 73 degrees 30 minutes West 263.51 feet to a pipe; thence South 17 degrees 24 minutes East 351.80 feet to a fence post; thence South 55 degrees 08 minutes East 82.88 feet to an iron pin; thence South 26 degrees 33 minutes East 115.37 feet to an iron pin; thence North 73 degrees 32 minutes East 67.65 feet to an iron pin located in the Northern right-of-way of Everett Road; thence leaving Pack and with said right-of-way South 14 degrees 18 minutes West 114.76 feet to an iron pin corner common with Quinn resub; thence leaving said right-of-way and with Quinn resub North 29 degrees 57 minutes West 21.95 feet to a fence corner; thence South 57 degrees 57 minutes West 709.66 feet to a fence corner common with Fox Run Subdivision and Quinn resub; thence leaving Quinn resub and with Fox Run Subdivision the following 17 calls and distances:

North 35 degrees 57 minutes West 176.60 feet to an iron pin;
thence North 36 degrees 10 minutes West 230.01 feet to an iron pin;
thence North 36 degrees 12 minutes West 115.05 feet to an iron pin;
thence North 36 degrees 08 minutes West 115.01 feet to an iron pin;
thence North 36 degrees 17 minutes West 115.03 feet to an iron pin;
thence North 36 degrees 08 minutes West 115.07 feet to an iron pin;
thence North 36 degrees 10 minutes West 114.99 feet to an iron pin;
thence North 36 degrees 07 minutes West 295.32 feet to an iron pin;
thence South 89 degrees 53 minutes West 22.83 feet to an iron pin;
thence South 89 degrees 32 minutes West 178.47 feet to an iron pin;
thence South 88 degrees 14 minutes West 146.97 feet to an iron pin;
thence North 88 degrees 42 minutes West 114.02 feet to an iron pin;
thence South 89 degrees 32 minutes West 215.35 feet to an iron pin;
thence South 89 degrees 34 minutes West 161.20 feet to an iron pin;
thence South 89 degrees 50 minutes West 69.57 feet to an iron pin;
thence North 42 degrees 21 minutes East 269.96 feet to an iron pin;
thence North 42 degrees 30 minutes East 92.51 feet to an iron pin corner common with Cox;
thence leaving Fox Run Subdivision and with Cox North 42 degrees 26 minutes East 826.37 feet to a pipe located in the Southern right-of-way of Everett Road; thence leaving Cox and with said right-of-way South 60 degrees 38 minutes East 48.75 feet to a right-of-way monument; thence North 63 degrees 27 minutes East 67.88 feet to an iron pin; thence leaving said right-of-way and with a proposed severance line the following 3 calls and distances:
South 40 degrees 08 minutes East 136.82 feet to an iron pin;
thence North 64 degrees 22 minutes East 284.38 feet to an iron pin;
thence North 09 degrees 07 minutes West 144.13 feet to an iron pin located in the Southern right-of-way of Everett Road; thence with said right-of-way North 63 degrees 27 minutes East 178.27 feet to the point of beginning and containing 49.80 acres more or less according to a survey by Robert G. Campbell & Associates L.P. dated 12-6-06.

Tract 1B

Situated in Knox County within the City of Farragut and being more particularly described as follows:

Beginning on an iron pin located in the Southern right-of-way of Everett Road corner common with Robertson being approximately 1251 feet Southwest of Oakley Downs Road; thence leaving said right-of-way and with Robertson South 37 degrees 43 minutes East 179.96 feet to an iron pin corner common with Andover Place and Robertson; thence leaving Robertson and with Andover Place South 37 degrees 42 minutes West 276.77 feet to an iron pin located in the Southern right-of-way of Everett Road; thence leaving Andover Place and with said right-of-way North 14 degrees 18 minutes East 32.68 feet to an iron pin; thence with a 770 foot radius curve to the right North 22 degrees 03 minutes East 207.85 feet to an iron pin; thence North 29 degrees 49 minutes East 75.97 feet to the point of beginning and containing 0.63 acres more or less according to a survey by Robert G. Campbell & Associates L.P. dated 12-6-06.

Being the same property conveyed to Farmstead Developments, LLC by Warranty Deed, dated August 26, 2013, from The Burton Family Irrevocable Trust, Yvonne Burton, Trustee, as of record in Instrument No. _____, Register's Office for Knox County, Tennessee.

201309030015292

Exhibit B

Conditions of approval established by the Planning Commission are attached hereto.

- 1) If the private 5 foot wide crusher run rock base trails with pipe getting riprap rock around the entrance and exit of each drain, and stacked stone headwalls are approved by the planning commission, it will need to be very clear on all plans and plats that these do not meet the Town's public walking trail standards and will not be accepted by the Town for maintenance and/or liability. It must also be clear that these will be subdivision amenities that will be required to be properly maintained by the Split Rail Farm Subdivision Homeowner's Association (Note #8 alludes to this but may need to be amended to reflect this wording);
- 2) Based on the formula in the OSR overlay zoning district, the building coverage should be 6,482 and the total lot coverage should be 9,076. Please amend accordingly;
- 3) Please add a walking trail stub to the Quinn property from Lot 67 and, from the same trail section, please stub the walking trail to the areas between Lots 3 and 4 in Fox Run so that if this were extended it could follow the side property lines;
- 4) All field items/corrections must be completed before the final plat will be ready for formal consideration. There is a significant amount of field work that remains incomplete;
- 5) Please execute the per-lot Everett Road improvement agreement in consultation with the Town Attorney;
- 6) Please submit Page 15 of the preliminary plat;
- 7) Please ensure that the final tree preservation/removal plan sheet is consistent with the other preliminary plat sheets;
- 8) HOA trail to connect to sidewalk;
- 9) Prior to the issuance of a grading permit, First Utility District must sign off on the water and sewer plans;
- 10) On Sheet 7, please clarify the note to indicate that a variance was approved at the June 26, 2013 meeting of the Farragut Board of Zoning Appeals to permit an up to 5 foot wide section of truck apron to be constructed adjacent to the street edge. No filling or alteration of grade (other than what was needed to backfill the truck apron) was permitted within the sinkhole lip elevation;
- 11) On Sheet 7, please correct the number of lots to 73 rather than 57;
- 12) On Sheet 12, please revise the Swale #3 detail to reflect a slope no steeper than 2½:1. Also on Sheet 12, please omit Note 2 on the stacked stone endwall detail (assuming stacked stone is accepted as an alternate for the private trial sections); and
- 13) This preliminary plat should include the grading sheets. It is understood that most of the grading has already been completed, but the approved plans should include all activities that have been required to complete construction of the development.

Exhibit C

In accordance with the Town of Farragut's ("Town") plans to improve Everett Road, the Town has budgeted funds to improve same to the Town's standards for a major collector. The developer has agreed that the development should make a contribution toward the cost of the improvement of Everett Road in the amount of \$3,276.00 per lot or dwelling unit (the "Lot Road Lien"). Regardless of the number of residential lots ultimately approved for inclusion in the subdivision, the developer has or will grant a Lot Road Lien in favor of the Town in the amount of \$3,276.00 upon each lot, which shall run with the land. Such Lot Road Liens shall be paid or satisfied either (i) at the time of sale of the lot or (ii) upon the application for a building permit for construction of a dwelling unit on the lot, whichever occurs first. In order to secure the obligation to the Town for the Lot Road Lien, as specified in the Development Contract, the developer shall, at its option, either (i) provide the Town an irrevocable standby letter of credit from a reputable lender acceptable to the Town in the amount of the total possible Road Improvement Fees (\$3,276 x maximum number of residential lots approved for inclusion the subdivision), or (ii) a first priority position of the Lot Road Liens superior to all other encumbrances upon said Lots by way of the execution and recording by existing lienholders or encumbrancers of an instrument memorializing the subordination of the subject lien or encumbrance to the lien of the Lot Road Liens. The Lot Road Liens shall be the affirmative obligation of the owner of the Lots and binding pursuant to both the Development Contract and in the covenants and restrictions governing the subdivision, running with the land and securing the Town in the collection of same.

MEETING DATE: October 16, 2014

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion on amendments to the text of the Farragut Zoning Ordinance as it relates to the Mixed Use Town Center outlined in the Comprehensive Land Use Plan

INTRODUCTION: This item has been discussed at the previous two planning commission meetings. At the September meeting, the staff presented a draft amendment to the General Commercial (C-1) Zoning District for properties located within the area identified on the future land use map in the Comprehensive Land Use Plan (CLUP) as a preferred location for a mixed use town center (MUTC).

The staff also mentioned last month that notifications were sent to all of the property owners in the MUTC to encourage their participation in this process. The staff has discussed the Town's efforts to bring about a downtown with a number of these property owners. Most of the feedback thusfar has been positive.

Based largely on the comments made at the September planning commission meeting, the staff has made some modifications to the draft. The changes are shown in green.

DISCUSSION: Please review the updated draft amendments to the C-1 District and note the comments provided by the staff. Some remaining questions that the staff would like to answer at the next planning commission meeting are how to treat signage and street and site lighting in the MUTC. There will likely be other elements of this draft that will need to be discussed as well.

XII. GENERAL COMMERCIAL DISTRICT (C-1)

(changes and new commentary per comments provided are noted in green)

- A. (Existing and unchanged)
- B. Permitted Principal and Accessory Uses and Structures (Non-Mixed Use Town Center as identified in the Comprehensive Land Use Plan)
Unless provided for elsewhere in this section, property and structures..... *(comment: added "Non-Mixed Use Town Center" and the phrase "unless provided for elsewhere in this section" so as to accommodate the mixed use town center provisions added later in this section)*
- C. (Existing and unchanged)
- D. (Existing and unchanged)
- E. (Existing and unchanged)
- F. Mixed Use Town Center *(comment: added a new section with its own uses and requirements)*

1. General Description and Purpose *(comment: this section is important to provide some background and describe what we are trying to accomplish in this section)*

In the Town's adopted Comprehensive Land Use Plan (CLUP), Strategy 1 describes the community's desire to Bring About a Downtown. Also included in the CLUP are land use descriptions related to the intent, uses, and character of what is described as a Mixed Use Town Center (MUTC). The CLUP also includes a future land use map which identifies locations for a MUTC.

The purpose of this section is to ensure that properties zoned C-1 that are within (i.e. at least half of the existing parcel) *(comment: the future land use map does not follow property lines. There must be a mechanism in place to address parcels that are not entirely within the MUTC)* the area shown as Mixed Use Town Center are developed and redeveloped in a manner that is consistent with the CLUP.

(comment: this section is not intended for Town Center Developments that would involve the creation of new public streets. Where new public streets are being created, a rezoning to Town Center District (TCD) should be requested and the applicable provisions of the TCD and TCD Design Requirements followed. There are differences between this section and a larger and more integrated and comprehensive TCD development. Related

to this, the staff would recommend that the 15 acre minimum lot size for a rezoning to TCD be re-considered. There may be properties less than 15 acres that could be candidates for the TCD Zoning District).

Where a property is zoned C-1 and is shown to be within the area identified as MUTC on the Future Land Use Map the following provisions shall apply:

2. Permitted Principal and Accessory Uses and Structures (if a use is not listed below it shall not be permitted unless it is approved by the Board of Zoning Appeals as a Special Exception and the proposed use is consistent with the CLUP as it relates to the MUTC).
(comment: this provides some flexibility with uses that may be compatible with a MUTC but not specifically listed as permitted. Additional stipulations associated with a special exception in this context will likely be necessary to lessen any subjectivity)
 - a. Generally recognized retail sales. This excludes all outdoor sales or storage (unless part of an approved Farmers Market or similar seasonal pedestrian oriented use) and any “big box” entities where the total gross square footage exceeds 50,000 25,000 square feet. *(comment: some outdoor sales would be appropriate as pedestrian friendly “gathering places” and should not be prohibited) (comment: big box entities, unless they have a small footprint, are not compatible with a MUTC)*
 - b. Restaurants, tea rooms, cafes, coffee houses, bistros, or other similar establishments serving food or beverage that is primarily consumed within the principal building or in designated outdoor seating areas associated with the principal building. This excludes drive-through service lanes and windows.
(comment: the staff feels that drive-throughs are inappropriate for a MUTC. However, if it is desired to provide for drive-throughs in the MUTC, some possible language may be as follows:
 1. *The drive-through is limited to one (1) lane;*
 2. *The drive-through is located to the rear of the building or behind the building so that it is not visible from any abutting public rights of ways;*
 3. *The drive-through has no menu board and is limited to one (1) non-illuminated sign on the wall at the pick-up window not to exceed one (1) square foot;*
 4. *The entrance and exit to the drive-through lead to a parking area or service drive. These lanes shall not be directly connected to a public street; and*
 5. *The design minimizes vehicle/pedestrian conflicts. The drive-through lanes shall not separate parking lots from rear building pedestrian access doors or other pedestrian access ways;)*

- c. Financial and real estate services. This excludes drive-through service lanes and windows.

(comment: the staff feels that drive-throughs are inappropriate for a MUTC. However, if it is desired to provide for drive-throughs in the MUTC, some possible language may be as follows:

- 1. The drive-through is limited to one (1) lane;*
- 2. The drive-through is located to the rear of the building or behind the building so that it is not visible from any abutting public rights of ways;*
- 3. The drive-through is limited to one (1) non-illuminated sign on the wall at the teller window not to exceed one (1) square foot;*
- 4. The entrance and exit to the drive-through lead to a parking area or service drive. These lanes shall not be directly connected to a public street; and*
- 5. The design minimizes vehicle/pedestrian conflicts. The drive-through lanes shall not separate parking lots from rear building pedestrian access doors or other pedestrian access ways;)*

- d. Professional, personal, and business services.

- e. Public, governmental, and general offices.

- f. Medical, dental, and veterinary facilities (indoors only). *(comment: some concern has been raised about “pill mills” that could discourage pedestrian activity – how should this be treated?)*

- g. Medical spas.

- h. Adult education and training facilities, indoors only.

- i. Cultural activities.

- j. Theaters, indoors only.

- k. Indoor recreational facilities.

- l. Parks and community facilities.

- m. Residential, provided located in upper stories. *(comment: unless residential density is significantly increased within and around a MUTC it is likely to fail. Residential should be encouraged within and around the MUTC – this is a critical component of “Mixed” Use)*

- n. Bed and breakfasts/inns. Such facilities are distinguished from hotels/motels because they are smaller and have a more personal atmosphere.

- o. Churches and other places of worship, provided they are not located in freestanding buildings.

- p. Day care facilities, provided they are not located in freestanding buildings.

- q. Schools, public and private, provided they are not located in freestanding buildings.

- r. Other uses similar to any of the above, as approved by the Board of Zoning Appeals as a Special Exception. Any use approved as a Special Exception in this section shall be compatible with the CLUP as it relates to the Mixed Use Town Center. *(comment: this was noted above and offers some flexibility with uses that may not be specifically listed but are compatible with a MUTC).*

3. Building Façade Requirements *(comment: this is very basic wording and will be amended in accordance with the architectural design standards document when it is finalized)*

New construction shall comply with Title 14, Chapter 3, Section 14-305. and Section 14-306. (1) and (2) of the Farragut Municipal Code. *(comment: this wording is the same as the BD-4 district)*. The street facing building facade that does not have the storefront must provide windows or some other type architectural feature so the wall is not blank. *(comment: this would prevent the “dull brick wall” look facing an arterial roadway)*

Where re-development involves improvements (interior and/or exterior) to an existing building(s) which exceed 50% of the current value (as determined by a certified appraisal) of such building(s), the building(s) façade(s) shall be modified to use high-quality, durable, materials that are architecturally compatible and include a significant masonry element. Such building façades shall not use fabricated metal panels or vinyl siding and shall include only very limited use of synthetic stucco (EIFS) or panelized brick. *(comment: this will need to be discussed in more detail)*

4. Low Impact Development Requirements *(comment: the presentation and creativity of a site is an important aspect of a mixed use town center. Incorporating LID will assist in this regard and expand what is being demonstrated at the nearby outdoor classroom)*

Any new development or redevelopment where at least half of the existing site improvements are being modified (e.g. half of the existing parking lot is being altered from its current configuration), shall incorporate a minimum of one (1) of the following Low Impact Development (LID) practices into the design:

- a. Twenty-five (25) percent of the parking lot being constructed with permeable pavers;
- b. Stormwater runoff draining to rain gardens;
- c. A building(s) being constructed with a vegetated roof, commonly referred to as a green roof;
- d. Stormwater draining to bioswales/bioretenention facilities; or
- e. Rainwater being harvested for irrigation or gray water uses.

5. Area Regulations

a. Front Yards

1. All principal buildings shall be set back a minimum of ten (10) feet from all property lines and access easements. *(comment: this would place the building out of the standard 10 foot drainage, utility, and construction easement required inside all rights of ways)*
2. All accessory structures, such as parking garages, dumpsters, HVAC units and generators, shall be set back a minimum of twenty (20) feet from all property lines and access easements. This excludes signage, detention basin structures (if associated with a low impact development measure), or structures typically associated with a store front or furnishing zone as described in the TCD Zoning District. *(comment: for structures required to meet the 20 foot setback this is consistent with the setback for parking lots. The listed exclusions are either governed in other ordinances (such as signage) or are associated with concepts being promoted in this MUTC area – such as LID measures and outdoor seating, benches, etc.)* Where abutting an arterial street, no portion of a parking lot shall be closer to such street than the principal building(s). The minimum setback for a parking lot shall be twenty (20) feet from all property lines and access easements. *(comment: this promotes buildings rather than parking lots in front yards. This, in turn, provides a desired “downtown” appearance, highlights a building’s architecture rather than an auto focused asphalt area, and brings the building to the streetscape to encourage more pedestrian activity)*

b. Side and Rear Yards

1. All principal buildings shall be set back a minimum of zero (0) feet if part of a larger plan to join a building on an adjoining property. *Where a building is planned to be joined with another building to form a series of buildings the design requirements provided for in Title 14, Chapter 3 of the Farragut Municipal Code shall apply.*
(comment: this wording does not prohibit an incremental building form that would be consistent with MUTC. Per the discussion at the September 18 meeting, adherence to the design requirements in the Farragut Municipal Code have been added for developments where buildings are combined in a series of buildings – as noted in the General Description and Purpose section, these larger town center developments should involve a rezoning to TCD)

Where the adjacent property is zoned residential or agricultural, principal buildings shall be set back from the nearest point of any side or rear property line a minimum of thirty-five (35) feet.

(comment: wording consistent with C-1 and provides protection to existing residential properties)

2. All accessory structures shall be set back a minimum of ten (10) feet, unless a greater setback is otherwise required in this ordinance or the Municipal Code.

6. Buffer Strips

- a. There shall be a buffer strip a minimum of thirty-five (35) feet in width on all side and rear property lines when the abutting property is zoned residential or agricultural;

(comment: taken from BD-4)

7. Maximum Lot Coverage

Total lot coverage — Seventy (70) percent.

(comment: remains the same as the current C-1)

8. Land Area

Minimum lot size of one (1) acre. *(comment: same as remainder of C-1 and BD-4).*

9. Height Regulations

- a. Buildings shall be a minimum of two (2) stories in height or have the appearance of a building that is at least two (2) stories in height. Buildings shall not exceed four (4) stories in height. The minimum height requirement shall apply only to new buildings.

(comment: this was changed from the last discussion to add a 2 story minimum height and increase the total height to 4 stories consistent with the BD-4 and TCD. The staff has also worded this to apply to new buildings only)

Whenever the adjacent property is zoned residential (other than multi-family), or agricultural, no buildings to be constructed within 100 feet of a periphery property line shall exceed the maximum height permitted for principal dwelling units in the adjacent zoning district(s).

No accessory building shall exceed fifteen (15) feet in height. Parking garages shall not exceed three stories or forty-five (45) feet in height. Parking garages may not access streets classified as arterial.

(comment: consider possible accessory buildings – parking garage, pavilion, covered dumpster, etc. Portions of parking garage language taken from TCD.)

10. Parking spaces required.

1. *Number of parking spaces required.*

One (1) parking space per two hundred and fifty (250) square feet of gross floor area for the first [ground] floor;

One (1) parking space per five hundred (500) square feet of gross floor area for the second floor; and

One (1) parking space per seven hundred and fifty (750) square feet of gross floor area for the third floor.

2. *Required bicycle parking.* One (1) bicycle space per five thousand (5,000) square feet of gross floor area. Bicycle racks shall be provided in desirable locations and shall be conveniently located at each building. The rack placement should not impede pedestrian movement and should not cause conflicts between bicycles and pedestrians.

(comment: Both #1 and #2 were taken from TCD)

3. *Shared parking.*

Shared parking within the area identified as MUTC shall be encouraged. The parking and access easements must be identified as part of the site plan review and a plat prepared and recorded which memorializes such easements prior to the issuance of a building permit. *(comment: this provides for efficient land use and is an important aspect of helping to ensure that enough available parking is provided within the MUTC)*

11. Streetscape and Outdoor Open Space

An active and interconnected streetscape with visually appealing and functional public spaces shall be provided and specifically addressed in the site plan submittal. Some specific design objectives are as follows:

- a. Provide for pedestrian and bicycle connections between properties and connections to existing pedestrian and bicycle facilities. Provide for a development that creates a pleasant and functional pedestrian experience.
- b. Encourage vehicular connections between adjoining properties.
- c. Locate and orient outdoor open space (e.g. plazas, courtyards, patios, outdoor seating and benches, small park spaces or landscaped features) to provide a focal point to be actively used.
- d. Provide landscape enhancements (e.g. bioswales, rain gardens, planters, flower gardens) to add visual interest, screen parking areas, and complement outdoor open spaces.

12. Site Lighting???

13. Signage???

GENERAL NOTE: Development of a larger tract (15 acres or more) should involve a rezoning to TCD so that the more detailed provisions in this district can be applied. The MUTC section above that is applied to the C-1 is primarily intended as a smaller scale application (small incremental applications) of some limited ideas and concepts enumerated namely in the TCD Zoning District.

This section is an effort to blend C-1 type of developments with some basic MUTC principles. A larger TCD must be more comprehensive and include the elements specified in the TCD Zoning District which, among other provisions, includes a gridded street system with a typical “downtown” cross section and a very significant residential component.