



**FARRAGUT BOARD OF MAYOR AND ALDERMEN
AGENDA (Revised)
AUGUST 13, 2020**

**WORKSHOP
Beer Ordinance Discussion
6:15 PM**

**BMA MEETING
7:00 PM**

- I. Roll Call**
- II. Approval of Agenda**
- III. Approval of Minutes**
 - A. July 23, 2020
- IV. Mayor's Report**
- V. Ordinances**
 - A. Public Hearing & Second Reading
 - 1. Ordinance 20-08, an ordinance to define a drug treatment facility/clinic, medical, dental, or veterinary facility/clinic, and pain management facility/clinic and to provide for drug treatment and pain management facilities/clinics and associated development criteria in the Regional Commercial (C-2) District.
 - B. First Reading
 - 1. Ordinance 20-04, an ordinance on first reading to amend the Farragut Municipal Code, Chapter 109 – Signs, by replacing it in its entirety (Town of Farragut, Applicant)
 - 2. Ordinance 20-11, Ordinance to Amend the Equipment Fund for the Fiscal Year 2020-2021 budget, passed by Ordinance 20-07

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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 contact the ADA Coordinator at jcurry@townoffarragut.org or 865-966-7057 in advance of the meeting.

VI. Business Items

- A. Approval of request for a variance from the number of access points permitted on a local street as provided for in the Driveways and Other Accessways Ordinance in relation to the property at 11740 Weathervane Drive (Jon-David and Allison Deeson, Applicant)
- B. Approval of Bid for one (1) 2019 Case Skid Steer Compact Loader TV450
- C. Approval of Farragut Museum Committee Charter revisions
- D. Resolution R-2020-07 authorizing the town to participate in the Public Entity Partners "Safety Partners" Matching Grant Program.
- E. Resolution R-2020-08, a resolution in opposition to the proposed rezoning in the Town of Farragut Urban Growth Boundary
- F. Approval of Change Order #1 Contract 2020-05, Resurfacing of Streets
- G. Approval of Change Order #2 Contract 2020-08, Campbell Station Inn, Phase III

VII. Town Administrator's Report

VIII. Town Attorney's Report

IX. Citizens Forum

This meeting can be viewed live on Charter channel 193 and TDS channel 3. The meeting will be held virtually, authorized by Governor Lee's executive orders regarding the COVID-19 pandemic. Meeting comments, including your name and address, may be emailed to comments@townoffarragut.org and must be received by 12:00pm on August 13 to be included in the record of the meeting.

Board of Mayor and Aldermen Meeting Public Comment Protocol

The Board of Mayor and Aldermen welcomes and invites citizens to participate in public meetings.

At the end of each business meeting, there will be time reserved for public comment under the Citizen Forum agenda item. If you are interested in speaking, please fill out a blue comment card and turn it in to the Town Recorder or staff member. This time is set aside specifically for comments on items that are not on the Board of Mayor and Aldermen regular agenda for the meeting. Each speaker will be given five (5) minutes to speak on his/her topic.

During the regular agenda portion of the meeting there may be an allowance for public comment for each agenda item. The Mayor may recognize individuals for public comment based on the following guidelines.

1. The Mayor shall maintain and control the meeting to provide a professional and objective environment;
2. Anyone interested in speaking should fill out a blue comment card stating which agenda item they would like to comment on and turn in to the Town Recorder or a staff member;
3. Speakers shall come to the podium and identify themselves by name and street address;
4. Public comment shall be limited to five (5) minutes per individual, time may be extended at the discretion of the Mayor; time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy; each speaker should have their own thought;
6. Comments shall address issues, not individuals or personalities;
7. Comments may support or oppose issues or measures, but the motives of those with differing views shall not be questioned or attacked;
8. Personal attacks and malicious comments shall not be tolerated;
9. An applicant, and/or their representative(s), for an item on the regular agenda shall be afforded the time necessary to present their request and respond to questions. The five (5) minute limitation shall not apply. However, the Mayor may ask an applicant to stay on point in order to facilitate the efficiency of the meeting.

Each speaker will be asked if they can agree to abide by the Comment Protocol. If so, please be prepared to speak when your name is called.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Trevor Hobbs, Assistant to the Town Administrator

SUBJECT: Brewpub & Tavern Permit Amendments

INTRODUCTION: The purpose of this workshop item is to provide an update on potential amendments to the Zoning Ordinance regarding Microbrewing and Brewpubs and to discuss potential amendments to the Beer Ordinance, including the Tavern Permit and other potential permits for Brewing and Distribution.

BACKGROUND: Two applicants have applied for text amendments. One applicant has applied to amend the Tavern Permit to increase the square footage. Another applicant has applied to amend the Tavern Permit to allow an additional tavern, to amend the square footage, and to amend the Zoning Ordinance to allow for small-scale brewing in the context of a Brewpub.

I. Brewpub & Related Zoning Amendments

Staff workshopped these topics with the Board of Mayor and Aldermen in June and then discussed the concepts of Microbrewing and the use of a Brewpub with the Planning Commission at their June and July meetings. Based on their feedback, staff plan to take a resolution to the Planning Commission for recommendation at their August meeting.

If recommended, the resolution would propose the adoption of new definitions for Micro-brewery and Brewpub, and to allow the Brewpub use in commercial districts of the Town (C-1, C-1 MUTCD Overlay, NCC, C-2, and OD-RE/E).

Below are definitions that staff plan to take to the Planning Commission for recommendation:

Microbrewery: An establishment licensed by the State of Tennessee for the small-scale manufacture, blending, fermentation, processing, packaging, and distribution of beer or malt beverages, for on-site consumption, sale, and limited wholesale distribution, where all on-site consumption shall be associated with a permitted Brewpub meeting all regulatory requirements of the Town of Farragut and the State of Tennessee, in conformance with the Town's Beer Ordinance and related permits.

Brewpub: An establishment licensed by The State of Tennessee, and meeting all regulatory and permitting requirements of The Town of Farragut, for the manufacture, blending, fermentation, processing, packaging, and distribution of beer or malt beverages, operating in conjunction with an eating establishment involving the preparation and serving of food to seated patrons in addition to on-premise consumption of beer or malt beverages, including beer produced at the micro-brewery on the same premises.

The Brewpub use would be permitted provided the following criteria are met:

1. All manufacturing, processing, packaging, and distribution equipment shall be maintained within completely enclosed structures. All related storage shall also be contained completely within enclosed structures.

2. Loading areas in a newly constructed facility shall be screened with opaque materials and shall not be visible from adjacent rights-of-way or residential districts. Such screening shall be architecturally compatible with the building.
3. For adaptive reuse of existing buildings, newly constructed loading areas should be located to minimize impacts on surrounding rights-of-way and residential areas and screened to the extent feasible. Existing loading areas should be screened to the extent feasible from view from rights-of-way or any adjacent residential district.
4. The use is conditioned upon obtaining necessary permits from the Town of Farragut Beer Board.

II. Taverns & Related Amendments

Based on the two applications for text amendments, the following issues warrant discussion:

1. Brewpubs as a type of Tavern?
2. Increasing the number of Taverns permitted in the Town?
3. Maximum square footage of Taverns?
4. Minimum Food Sales percentage required of Taverns?
5. Create a Brewing Permit?
6. Create a Distribution Permit?

DISCUSSION:

I. Brewpubs & Related Zoning Amendments

It is envisioned that the zoning amendments would simply create the Brewpub use, define it, and amend the several commercial zones to allow the use, subject to conditions. Because one of the conditions is to obtain the necessary Beer Permits, a brewpub would not be solely a zoning matter. This also relates to the Beer Board and would potentially require the Beer Board to create a Brewers Permit and Distribution Permit. This method of regulation would allow the Beer Board to retain control over permitting Brewpubs and related distribution.

Additionally, this regulatory scheme assumes that Brewpubs are a type of Tavern and would also be required to obtain a Tavern Permit in order to sell and serve beer.

While these are predominantly zoning issues, they also implicate the Beer Board and potential Tavern/Beer Ordinance Amendments. As such, staff would like feedback on the proposed elements of zoning amendments that will be taken to the Planning Commission at its August 20, 2020 meeting.

II. Taverns & Related Beer Ordinance Amendments

Staff have researched policies and regulations of neighboring communities, benchmarked several micro-breweries and brewpubs in the Knoxville and surrounding area, as well as the three existing Taverns in Town.

Staff are comfortable with the requests made by both applicants to increase the square footage of Taverns, to increase the number of Taverns in the Town, and to allow micro-brewing in the context of a Brewpub.

1. Brewpubs as a type of Tavern

Based on the existing parameters for a Tavern Permit, staff support the categorization of a brewpub as a Tavern in terms of permits. While a separate Brewpub permit could easily be created, it is envisioned that such a permit would largely duplicate the requirements present in the Tavern permit and offer little regulatory benefit.

2. Increase Number of Permitted Taverns

Currently, the Town limits the number of taverns to 3. If the Town wants to permit more Taverns, this element of the ordinance will need to be amended. The limit could be increased by a specific number or be eliminated. On the one hand, the limit gives the Beer Board an added measure of control in that an ordinance amendment is needed each time a new applicant wishes to locate in the Town. On the other hand, limiting the number by ordinance may deter additional applicants from considering Farragut for their business. Other communities staff looked at do not limit the number of Tavern Permits. Either way, the Beer Board will retain control of issuing additional permits.

3. Increase Maximum Square Footage of Taverns

Currently, the Town limits Taverns to 3,500 square feet. If the Town wants to approve the applicant requests, the limit will need to be amended to at least 6,500 square feet.

Farragut's neighboring commercial districts have several restaurants that are similar in size or greater than 6,500 square feet, making this a reasonable size for a brewpub.

4. Minimum Food Sales Percentage for Taverns

Based on discussion in workshop settings, both with the Board of Mayor and Aldermen and Planning Commission, it is clear to staff that the Town has an interest in promoting food sales and restaurant concepts in Taverns. The current Tavern Permit does not, however, specify a minimum percentage required for food sales in Taverns.

Based on feedback from one of the applicants, a current Tavern Permit holder, a minimum requirement higher than twenty percent would create compliance challenges for them. This is consistent with feedback we have obtained from other Tavern Permit holders, micro-brewery, and brewpub owners. While there are taverns and brewpubs that maintain food sales percentages higher than twenty percent, those that do have indicated that it took considerable time to get to that point, and it required a higher level of kitchen. With this type of kitchen (compared to a prep space with some retail-grade equipment) comes expense and complexity. That threshold not only changes their menu offerings, but also changes their business model.

5. Brewing Permit

Based on the proposed definition for a brewpub, being a micro-brewery and restaurant, the creation of a Brewing Permit would allow the Town to retain additional control over the permitting of the brewpub use. Additionally, it would allow the Town to further limit production of a micro-brewery. Beer production is measured in barrels, each barrel representing 31.5 gallons. 75 percent of all breweries in the U.S produce less than 1,000 barrels per year. 95 percent of all breweries in the U.S produce less than 15,000 barrels per year. If the Town wants to specify a limit for production, Staff would recommend 2,500 barrels per year.

6. Distribution Permit

Based on the proposed definition of micro-brewery, the creation of a Distribution Permit would allow the Town to retain additional control over the activities of brewpubs. Because not all micro-breweries distribute, there is an opportunity to separate the distribution permit from the brewing permit.

Based on regulations of other communities, and consistent with research conducted of brewpubs in the Knoxville and surrounding area, most micro-breweries do not distribute. And those that do, only distribute a small portion of their total production. If the Town wants to specify a limit for distribution, staff would recommend twenty-five percent of annual production.

RECOMMENDATION: Staff seek feedback on these various issues in order to move forward with the drafting of specific amendments for formal reading at the August 20th Planning Commission meeting and August 27th Board of Mayor and Aldermen meeting.

WORKSHOP MINUTES

5:45 PM

Sign Ordinance Review

The Farragut Board of Mayor & Aldermen met for a workshop to gather information concerning the new sign ordinance that will be formally presented to the at the August 13, 2020 meeting.

Board of Mayor and Aldermen

July 9, 2020 Minutes

Mayor Williams called the meeting to order at 7:00 PM. Roll Call for attendance: Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; in addition to staff and members of the press. The meeting was held via WebEx Governor Lee's orders and the Knox County Health Department's orders regarding the COVID-19 pandemic.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

Mayor's Report

Mayor Williams reminded the citizens to continue to social distance and wear a mask.

Approval of Minutes

Motion was made to approve the minutes of July 9, 2020 as presented. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes, Alderman Meyer, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; Alderman Pinchok abstained; no nays; motion passed.

Business Items

Approval of Bids for three (3) new mowers, an Ex-Mark 48" Commercial Turf Tracer Walk Behind, John Deere Z997R Zero Turn and a Toro Groundsmaster 3300 4WD

Motion was made to approve the purchase of the following:

- From Farragut Lawn & Tractor:
 - 2021 Ex-Mark 48" Turf Tracer Commercial Walk Behind mower for \$6,214
 - 2020 John Deere Z997R Zero Turn mower for \$20,460.33
- From Smith Turf & Irrigation
 - 2020 Toro Groundsmaster 3300 4WD for \$26,354

Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Meyer, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Bid for one (1) new 2021 Chevrolet 2500HD 4WD Double Cab Pickup

Motion was made to approve the purchase of 2021 Chevrolet 2500HD Double Cab pickup from Wilson County Motors for \$34,170.20. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes, Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Bid for a Replacement Purchase of one (1) New 2020 4WD Pickup

Motion was made to approve the purchase of 2020 in-stock Chevrolet Colorado 4WD pickup from Wilson County Motors for \$29,297.18. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes, Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

Ordinances

First Reading

Ordinance 20-08, an ordinance to define a drug treatment facility/clinic, medical, dental, or veterinary facility/clinic, and pain management facility/clinic and to provide for drug treatment and pain management facilities/clinics and associated development criteria in the Regional Commercial (C-2) District.

Motion was made to approve Ordinance 20-08 on first reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; no nays; motion passed.

Ordinance 20-10, ordinance to rezone Parcel 019, Tax Map 162, 1013 McFee Road, 24.85 Acres, from Agricultural (A) to Open Space Mixed Residential Overlay (R-1/OSMR) (Rackley Engineering, Applicant)

Motion was made to approve Ordinance 20-10 on first reading. Moved by Alderman Povlin, seconded by Alderman Meyer. After much discussion from the board members, property owner and developer a roll call vote was taken. Roll Call, voting yes, Alderman Pinchok, no; Alderman Povlin, yes; Aldermen Burnette, no; Alderman Meyer, yes; Mayor Williams, no; motion failed.

Citizens Forum

The following submitted citizen comments to be read at the meeting:

- Bill Hardin, 613 Glen Willow
- Laura Squires, 236 Woodland Trace
- Kevin Desmond, 2428 Caravel Lane
- Robert Gleason, 213 Woodland Trace
- Mike Mitchell, 716 Brixworth Blvd.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 20-08, an ordinance on second reading to define a drug treatment clinic or facility, medical, dental, or veterinary clinic or facility, and pain management clinic or facility and to provide for drug treatment and pain management clinics or facilities and associated development criteria in the Regional Commercial (C-2) District (Town of Farragut, Applicant)

INTRODUCTION AND BACKGROUND: In response to community concerns, staff conducted a workshop in March with the Board of Mayor and Aldermen on the issue of regulating pain management and drug treatment clinics and facilities. It was noted that the Town's current zoning ordinance does not specifically define such uses or make any distinction between types of medical facilities. Because of this, pain management and drug treatment clinics or facilities would fall within the broader "medical, dental, and veterinary facilities" use category listed as a permitted use within most of the Town's commercial, business, and office related zoning districts. In addition, there are no supplemental location or separation requirements applied to these uses under the current zoning ordinance.

During the Board's workshop and workshop sessions with the Planning Commission in April and May, staff presented different discussion items. These items included new definitions, separation distances from identified community facilities, and the most appropriate zoning district(s) location for both pain management and drug treatment clinics or facilities within the Town.

Based on the input received, staff presented Ordinance 20-08 at the Planning Commission meeting in June. The ordinance provides specific definitions for both a drug treatment clinic or facility, and a pain management clinic or facility. It also clarifies the Town's existing zoning definition for a medical, dental, or veterinary clinic or facility. The ordinance also restricts both drug treatment and pain management clinics or facilities to the C-2, Regional Commercial District, and it provides for development criteria that must be met before any such clinic or facility is established. This includes a minimum 1000-foot separation requirement from any public or private school, zoning regulated child-care facility, public library, and community center or public park.

RECOMMENDATION: At their meeting on June 18, 2020, the Planning Commission unanimously recommended approval of Ordinance 20-08. At the Board of Mayor and Aldermen meeting on July 23, 2020, Ordinance 20-08 was approved on first reading. Community Development Director, Mark Shipley, recommends approval of Ordinance 20-08 on second reading.

PROPOSED MOTION: To approve Ordinance 20-08 on second reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE: 20-08
PREPARED BY: Hobbs/Hose
REQUESTED BY: Staff
1ST READING:
2ND READING:
PUBLISHED IN: _____
DATE: _____

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 2., DEFINITIONS, TO DEFINE DRUG TREATMENT CLINIC OR FACILITY, MEDICAL, DENTAL, OR VETERINARY CLINIC OR FACILITY, AND PAIN MANAGEMENT CLINIC OR FACILITY, AND AMENDING CHAPTER 3., SPECIFIC DISTRICT REGULATIONS, SECTION XV. – REGIONAL COMMERCIAL DISTRICT (C-2) TO ADD, AS PERMITTED USES, DRUG TREATMENT AND PAIN MANAGEMENT CLINICS OR FACILITIES.

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 2, Definitions, and Chapter 3, Specific District Regulations, of the Farragut Zoning Ordinance, Ordinance 86-16,

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

SECTION 1.

The Farragut Municipal Code, Appendix A, Zoning, Chapter 2, Definitions, is amended by adding the following definitions:

Drug Treatment Clinic or Facility: A facility licensed by the State for the counseling of patients and/or the issuing of a prescription for methadone, suboxone, or similar medications, in the treatment, maintenance, and/or detoxification of persons, for outpatient, non-residential purposes only.

Medical, Dental, or Veterinary Clinic or Facility: A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, other licensed practitioners of the healing arts, or veterinarians for the examination and treatment of persons solely on an outpatient basis, or for the examination and treatment of their pets and animals. Medical/dental offices/clinics also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation. Urgent care facilities, and "minute clinics" are considered medical/dental offices/clinics. This term shall not include drug treatment or pain management clinics or facilities, as defined herein.

Pain Management Clinic or Facility: A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for opioids, benzodiazepine, barbiturates, or carisoprodol, or similar medications, for more than ninety (90) days in a twelve (12) month period. A pain management clinic does not include:

1. A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
2. A hospital as defined in T.C.A. § 68-11-201, including any outpatient facility or clinic of a hospital;
3. Hospice services as defined in T.C.A. § 68-11-201;
4. A nursing home as defined in T.C.A. § 68-11-201;
5. A facility maintained or operated by the state government; or
6. A hospital or clinic maintained or operated by the federal government.

SECTION 2.

The Farragut Municipal Code, Appendix A, Zoning; Chapter 3, Specific Zoning Regulations; Section XV, Regional Commercial District (C-2); Subpart B, Permitted Principal and Accessory Uses and Structures, is amended by adding item 18 as follows:

18. Drug Treatment, and Pain Management Clinics or Facilities, provided the following development criteria are met:
 1. The approval by the Town of a pain management or drug treatment clinic or facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee Department of Health or Department of Mental Health and Substance Abuse.
 2. Applicants seeking approval of a pain management or drug treatment clinic or facility shall provide written documentation that the Knox County Sheriff's Department has been notified in writing regarding the facility's proposed location, hours of operation, programs and treatment methods offered, and staffing levels and qualifications.
 3. The clinic or facility shall not be located within one thousand (1,000) feet of any public or private school, child-care facility as regulated in Chapter 4, public library, community center or public park, as measured from property line to property line.
 4. For newly constructed free-standing facilities, off-street parking shall be provided for the facility at a rate of five (5) spaces per one thousand (1,000) square feet of clinic floor area.
 5. The facility shall see patients on the basis of appointments only.

6. The clinic or facility shall have its own separate and exclusive exterior public entrance to the building.

SECTION 3.

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

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2020, with approval recommended.

Rita Holladay, Chairman

Rose Ann Kile, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION



1,000 ft Use Restriction Setback from Childcare Facilities

Legend

- Schools, Daycare, Parks & Community Center
- 1,000' Buffer
- Parcels
- Town of Farragut Boundary
- C-2, Regional Commercial

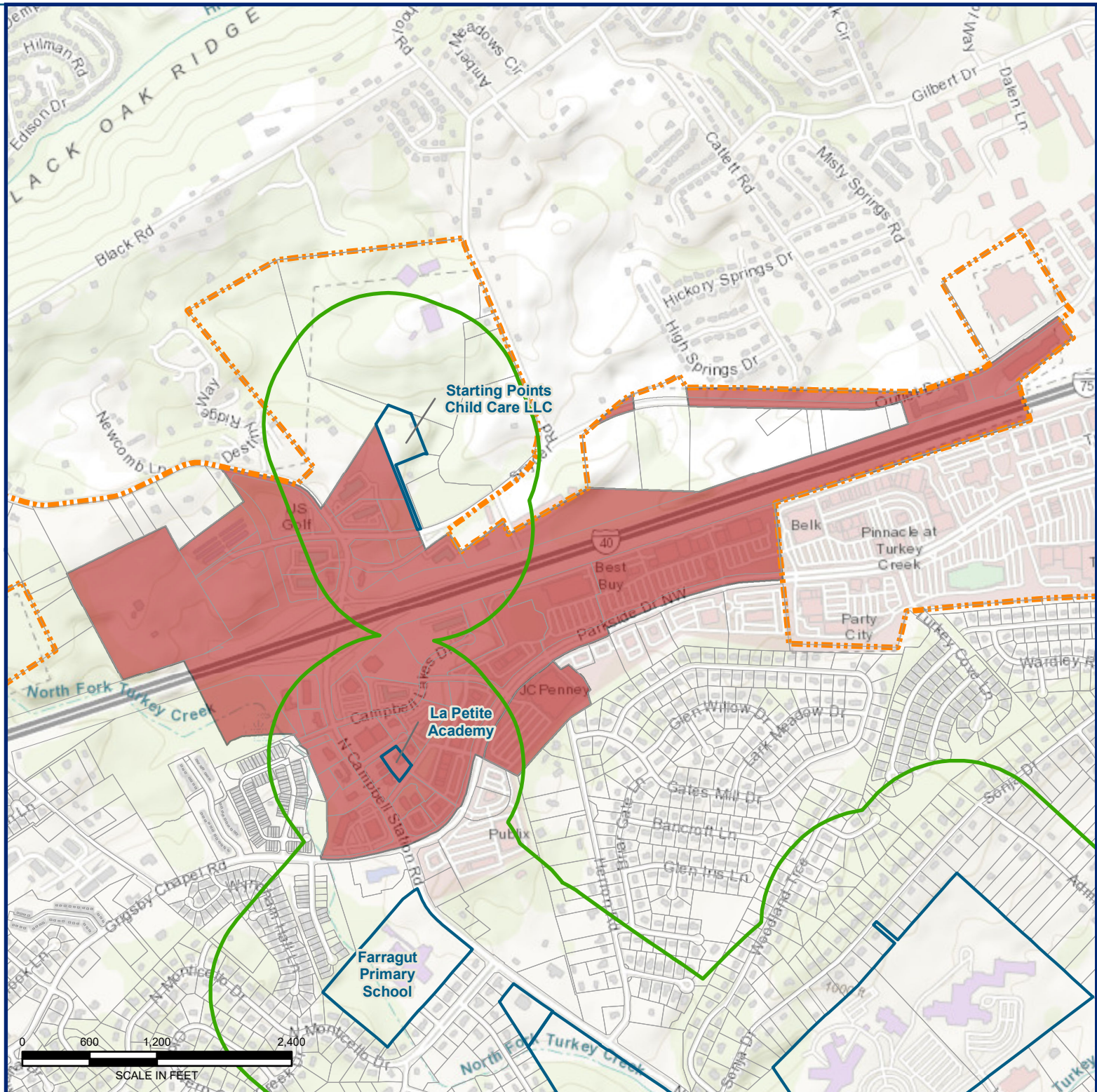


1 inch = 1,200 feet
Map Prepared: 6/4/2020

CONTACTS:

GIS:
Carrie Smith
carrie.smith@aecon.com

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REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Mark Shipley, Community Development Director**SUBJECT:** Ordinance 20-04, an ordinance on first reading to amend the Farragut Municipal Code, Chapter 109 – Signs, by replacing it in its entirety (Town of Farragut, Applicant)

INTRODUCTION AND BACKGROUND: This was reviewed last month with the Board as a workshop item. At that time, staff provided an overview of the objectives related to updating the sign ordinance and the general process that has been followed. Staff reviewed the notable changes and explained the rationale behind the changes. It was noted that a steering committee was created to assist staff in the development of the updated provisions. This committee met eight times with the first draft produced in December 2019.

Since that time, staff conducted a workshop in February 2020 with the Planning Commission to go through each section of the draft ordinance and explain what changes were made and why. The ordinance was presented to the Planning Commission on May 21, 2020 with some minor changes and then to the Visual Resources Review Board (VRRB) on May 26, 2020. The VRRB recommended approval with a couple of clarifications that were subsequently addressed in Ordinance 20-04.

RECOMMENDATION: At their meeting on June 18, the Planning Commission unanimously recommended approval of Ordinance 20-04. Community Development Director, Mark Shipley, recommends approval of Ordinance 20-04 on first reading.

PROPOSED MOTION: To approve Ordinance 20-04 on first reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	20-04
PREPARED BY:	Shipley
REQUESTED BY:	Town of Farragut
CERTIFIED BY FMPC:	June 18, 2020
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF FARRAGUT TENNESSEE, PURSUANT TO AUTHORITY GRANTED BY SECTION 6-2-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 109 – SIGNS, TO REPLACE THE EXISTING SIGN ORDINANCE WITH A NEW ORDINANCE

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 109 - Signs, of the Code of Ordinances of the Town of Farragut, to replace the existing Sign Ordinance with a new Sign Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that Chapter 109 – Signs, of the Code of Ordinances of the Town of Farragut, is hereby amended as follows:

SECTION 1.

The Code of Ordinances of the Town of Farragut, Chapter 109 – Signs, is amended by deleting it in its entirety and substituting in lieu thereof the following:

Chapter 109 – Signs.

Section 109-1. Authority.

This chapter shall be known as the "Sign Ordinance of the Town of Farragut, Tennessee." This chapter is adopted under the authority granted by T.C.A. § 6-2-201.

Section 109-2. Purpose, Intent, and General Scope.

(a) The purpose and intent of this chapter is the following:

- (1) Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the Town in order to promote the public health, safety and welfare.
 - (2) Maintain, enhance, and improve the aesthetic environment of the Town by preventing visual clutter.
 - (3) Improve the visual appearance of the Town while providing for effective means of communication, consistent with constitutional guarantees.
 - (4) Avoid signage that is a threat to safety due to its placement and other physical characteristics.
 - (5) Ensure the safe construction and maintenance of signs, and
 - (6) Support businesses in the Town by providing for fair and consistent sign allocations and enforcement of the sign regulations set forth herein.
- (b) This ordinance is not intended to regulate the message on any sign, any building design, any display not defined as a sign, or any sign which cannot be viewed from outside a building.

Section 109-3. Provisions declared to be minimum requirements.

The provisions of this chapter are considered to be minimum requirements. Wherever there is a discrepancy between the minimum standards noted in this chapter and those contained in any other lawfully adopted regulation or ordinance of the town, the strictest standard shall apply.

Section 109-4. Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 109-5. Substitution.

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

Section 109-6. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign, including its supporting structure, erected in conjunction with a particular use, for which the use has been discontinued for a period

of 90 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Architectural compatibility means visual harmony and consistency with regard to color, building/sign materials, style, mounting, and illumination.

Athletic field means a piece of land designed, approved, and dedicated for playing a game.

Banner sign means any sign of flexible lightweight material that allows movement caused by wind. A flag, as defined herein, shall not be considered a banner sign.

Changeable copy sign means any sign where letters or numbers displayed on the sign are designed to be changed frequently to display different messages.

Dilapidated sign means a sign that is in a bad, unsafe, or unsightly condition due to neglect or misuse.

Flag means a fabric sign of a non-commercial nature with a distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent freestanding flagpole or mounted with a pole attached to a building.

Freestanding sign means a sign that is either anchored in the ground or secured so that it is not subject to being moved by wind and that is independent of any building.

Freestanding building frontage sign means a non-illuminated sign of a solid material with copy that is meant to be readable only to a pedestrian and that is placed near the front of a building.

Gas pump signs means permanent signs, including Federally required safety information, adhered to a gas pump island and reviewed through a sign permit process.

Ground-mounted sign means a sign erected on a freestanding frame and not attached to any building. Such signs may be two-sided, provided that both sides cannot be seen simultaneously from any point. Such signs have a solid base with no exposed poles.

Interior accessory freestanding sign means a sign permitted interior to a development and not meant to be readable from a public street, public access easement, or adjacent property.

Interstate/interchange pole sign means a sign permitted near the interstate interchange as stipulated in this ordinance.

Legibility means how easy a sign is to read. This is based on the characteristics of letters, numbers, and characters that make it possible to differentiate one from another.

Manual on Uniform Traffic Control Devices (MUTCD) means the manual produced by the Federal Highway Administration that addresses three specific types

of signs: guide, warning, and directional. The manual includes minimum size, height, and placement standards to achieve readability and prevent traffic accidents.

Non-commercial means not naming, advertising, or calling attention to a business or commercial product, service, or activity.

Normal maintenance means replacing lights, painting, staining, repairing a damaged element of a sign, or replacing a sign face that has faded over time with exposure to the elements with an identical sign face. Normal maintenance shall not include any other modifications to a sign.

Peripheral accessory freestanding sign means a sign permitted near the entrance and exit points to a development.

Permanent ground mounted subdivision sign means a permanent sign permitted near the entrance to a subdivision.

Permanent parcel sign means a wall mounted sign permitted on a principal dwelling unit.

Portable sign means a sign not permanently attached to the ground or a building and is easily removable using ordinary hand tools.

Primary permanent ground mounted sign means the primary sign permitted for a single-use or multiple use non-residential development.

Primary permanent wall mounted sign means the primary wall sign for a development or tenant.

Prohibited sign means any sign not specifically permitted in this ordinance or that is not compliant with the applicable provisions of this ordinance.

Projecting sign means a sign, other than a wall mounted sign, which is affixed to and projects from a building, wall, or support structure such as a column, forming an angle between said building or wall and the face of the sign.

Public access easement means a recorded access easement that runs with the land and that provides direct two-way public access to at least two parcels.

Roof sign means any sign attached to a building which projects in part or in whole above the top edge of a building wall.

Sandwich board sign means a freestanding temporary sign, with no moving parts or lights, displayed outside a business during business hours. It is not intended as permanent business signage.

Sign means any letter, number, figure, symbol, trademark, graphic, logo, design, or device mounted or otherwise placed and intended to be visible from outside of a building, used to attract attention in order to advertise, identify, announce, notify, direct, or communicate. Sculptures, artwork, and architectural accents shall not generally be considered a sign unless they would otherwise be used as outlined in this definition.

Sign area means the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Snipe sign means a sign affixed to trees, utility poles, light poles, fences, or other objects.

Temporary means related to an event or activity that has a limited amount of time.

Temporary freestanding subdivision entrance sign means a sign permitted on a temporary basis near the entrance to a subdivision.

Temporary parcel sign means a sign permitted on a parcel for a temporary event or activity.

Temporary freestanding subdivision sign means a sign permitted on a temporary basis for a subdivision.

Under-canopy sign means a sign that is hung perpendicular to a building under a canopy which projects over the public entrances into a building.

Visibility obstruction means a sign that by virtue of its placement has created a visibility obstruction harmful to the public safety.

Wall sign means a sign attached parallel to and projecting not more than 12 inches from the wall of a building and does not project in part or in whole above the top edge of a building wall.

Window sign means a sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of the door.

Section 109.7. Administration.

- (a) *Sign administrator to enforce chapter.* The Town administrator or his/her designee shall act as the sign administrator and shall enforce and carry out all provisions of this chapter. In the event there is a question concerning the general intent or meaning of any provision of this chapter, the sign administrator shall have the authority to make such administrative decisions and interpretations. Administrative interpretation shall in no way be construed as permitting or granting an exception to the provisions of this chapter. When the definition of a sign or an issue concerning architectural compatibility, illumination, or some unique physical characteristic of a sign are questioned by the sign administrator, the sign administrator may consult with the Visual Resources Review Board about such question.
- (b) *Application and permit process.* Unless otherwise provided by this chapter, permits are required for all types of signs. It shall be unlawful for any person, agency, firm, or corporation to erect, structurally repair (other than normal maintenance), replace, alter, relocate, change the panels of, change the

establishment being advertised on a sign, as defined in this chapter, without first obtaining a permit to do so from the Town.

- (1) *General application requirements and fees.* Applicants shall submit a completed sign application and the required fee to the Town prior to commencing any work on installation of a new or replacement sign. The required fee is per the schedule approved by the Town Board of Mayor and Aldermen. Per the approved fee schedule, an additional penalty fee shall be paid if work is commenced prior to receiving a permit from the Town. Government or government sponsored entities are waived from the fee requirement.
- (2) *Application required for each sign.* A separate application must be completed and submitted for each new or replacement sign.
- (3) *Wall mounted sign application reviews.* Wall sign applications shall be reviewed by the sign administrator for conformance with the requirements. The sign administrator shall approve or deny the application within 15 working days of submittal. When architectural compatibility, illumination, or some unique physical characteristic of a sign are questioned by the sign administrator, the sign administrator may consult with the Visual Resources Review Board about such matter.
- (4) *Wall mounted sign application submittal requirements.* All wall sign applications shall include the following:
 - a. A dimensioned schematic drawing of the building showing the proposed sign location.
 - b. A photograph of the businesses located on either side which demonstrates the color, material, and illumination of these adjacent signs.
 - c. The width of the building wall or lease space upon which the sign is to be mounted.
 - d. A dimensioned colored drawing (or simulated photograph) of the sign showing the copy on the sign face, and
 - e. An indication of how the sign is to be mounted and illuminated.
- (5) *Ground-mounted sign application reviews.* Ground-mounted sign applications shall be reviewed by the Visual Resources Review Board for conformance with the requirements of this chapter and any overlapping regulations, including the Architectural Design Standards, as amended, prior to the issuance of a sign permit.
- (6) *Ground-mounted sign submittal deadlines.* Ground-mounted sign applications shall be submitted in accordance with the deadlines established by the Town for the meeting at which the ground mounted sign is to be considered by the Visual Resources Review Board.

- (7) *Ground-mounted sign coordination with site and landscape plans.* As part of a site plan and landscape plan review process with the Planning Commission and Visual Resources Review Board, applicants for new developments or redevelopments shall take into account anticipated locations for ground mounted signs. These should be shown on both the site and landscape plans in order to help lessen conflicts with landscaping, utilities, and other site development components.
- (8) *Ground-mounted sign application submittal requirements.* All ground-mounted sign applications shall be accompanied by complete sets of plans which include the following:
- a. A dimensioned site plan of the parcel showing the proposed sign location in relation to property lines and platted easements.
 - b. A proposed landscaping plan for the area around the sign base.
 - c. A detail of the sign lighting, including lighting placement, type, and lumens.
 - d. A detail of the materials and colors used for the sign structure.
 - e. A dimensioned colored drawing of the sign showing the copy on the sign face, height and length of the sign face and sign structure, overall height of the sign, and size of the address numbers required at the top of the sign.
 - f. Information that may be requested by the sign administrator to help verify compliance with the Architectural Design Standards, and
 - g. An acknowledgment that an as-built survey may be required by the sign administrator to verify compliance with applicable provisions associated with ground-mounted signs.
- (9) *Expiration of sign permits.* A sign permit shall become null and void if installation of the sign has not been initiated within 180 days of issuance. If work authorized by such permit is suspended or abandoned for 180 days any time after the work has been initiated, the sign permit shall be void and a new permit shall be first obtained to resume work. After a permit expires, a partially completed sign structure must be removed within 30 days if no new permit is issued.
- (10) *Changes to an approved sign permit.* A new permit may be required, as determined by the sign administrator, where changes have been made to an approved sign that would alter the physical characteristics of the sign.
- (11) *Temporary parcel sign application reviews.* Temporary parcel signs provided for in Section 109-12 (c)(2) and 109-12 (d)(2) and that are restricted to a total of 40 calendar days per year shall be permitted through a Town of Farragut Temporary Sign Permit Application. The application shall cover a ten-day period and an applicant is permitted to apply for four applications per

calendar year. Each application shall be reviewed and approved by the sign administrator and shall include the following:

- a. Verification that the entity has a valid Certificate of Occupancy.
 - b. An indication of the dates when the sign will be installed and removed.
 - c. A dimensioned drawing showing the height and length of the sign face and the overall height of the sign.
 - d. A verification that the material used is a minimum of ten millimeters (.39 inches) in thickness and will be supported by metal t-posts.
 - e. A verification that the sign will be set back at least 20 feet from the back of the public street curb or edge of street where curbing is not provided.
 - f. An acknowledgment that banners, pennants, streamers, and similar flexible or wind activated signs shall not be used.
- (c) *Text amendment process.* Amendments to the text of this chapter shall first be reviewed by the Visual Resources Review Board and the Town Municipal Planning Commission with recommendations regarding the proposed change forwarded to the Town Board of Mayor and Aldermen.

Section 109-8. Enforcement.

- (a) *Sign enforcement process.* Noncompliance with this chapter shall be deemed a violation. When the sign administrator finds violations of the provisions of this chapter, the administrator shall document such findings and take the appropriate action to correct said violations. A citation to municipal court may be issued to the owner, agent, or employee for violations of this chapter.
- (b) *Separate offense.* Each day a violation continues shall be considered a separate offense. The owner or tenant of any building, sign, premises, or sign thereon, and any architect, builder, contractor, agent, or other person who commits, or participates in, assists in, or maintains any violation hereunder may be found responsible for a separate offense. Nothing herein contained shall prevent the town from taking such lawful action as is necessary to prevent or remedy any violation of this article.

Section 109-9. Appeals.

- (a) The Town Board of Zoning Appeals shall have the following responsibilities:
- (1) *Interpretations/General Appeals.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the sign administrator and/or the Visual Resources Review Board in the carrying out or enforcement of any provision of this chapter, and

- (2) *Variances.* To authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship. Variances shall not be granted to allow a larger sign or a sign which is otherwise not permitted in this chapter. Variances shall be granted only whereby special physical characteristics of the lot, parcel, or tract exist, that the strict application of the provisions of this chapter would deprive the applicant of an otherwise permitted sign.
- (b) Appeals procedure.
- (1) *Denial required.* After a written denial of a sign permit from the sign administrator, a party may make an application for an interpretation or a variance.
 - (2) *General application requirements and fees.* The application shall be submitted to the Town in accordance with the deadlines established by the Town for the meeting at which the application is to be considered by the Board of Zoning Appeals. The required fee associated with the application is per the schedule approved by the Town Board of Mayor and Aldermen. The Board of Zoning Appeals shall consider and decide all appeals within 30 days of first hearing the appeal, and
 - (3) *Minutes.* The minutes of the Board of Zoning Appeals shall fully set forth such circumstances or conditions warranting the granting of a variance.

Section 109-10. Legal nonconforming signs.

- (a) *Definition.* Existing signs which were legally in existence prior to the adoption of the ordinance from which this chapter is derived which do not conform to the specific provisions of this article are declared legal nonconforming signs.
- (b) *Continuance.* Any legal nonconforming sign may be continued in operation and maintenance after the effective date of the ordinance from which this chapter is derived, provided:
 - (1) The sign is not relocated or replaced.
 - (2) The structure or size of the sign is not altered in any way except toward compliance with this chapter.
 - (3) No new or additional signs are added to the premises, and
 - (4) Other than changing the text of changeable copy signs or normal maintenance, no other existing permanent signs are changed or replaced on the premises.
- (c) *Maintenance/damage/deterioration.* A legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent damage or deterioration, as based on a certified appraisal, it must be brought into conformance with this chapter or removed.

Section 109-11. General restrictions.

(a) All signs erected, replaced, reconstructed, expanded, or relocated on any property within the Town shall conform with the provisions of this section.

(1) *Signs not requiring permits.* The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:

- a. Signs authorized in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), as amended.
- b. Signs placed by or on behalf of a governmental entity.
- c. Street or address identification numbers/letters as stipulated in the adopted building and/or fire code.
- d. Permanent parcel signs.
- e. Political or campaign signs, as provided for in TCA, Title 2, Chapter 7, Section 143. Tennessee Freedom of Speech Act.
- f. Temporary signs of any kind, unless a permitting process is specifically required in association with specific events, programs, or community objectives promoted by the Town of Farragut.
- g. Flags, and
- h. Window signs.

(2) *Prohibited signs.* The following types of signs are prohibited within the Town:

- a. Abandoned or dilapidated signs, which shall be removed by the property owner or responsible entity.
- b. Any sign placed on public property or right-of-way without the written consent of the public authority having jurisdiction over the property.
- c. Any sign which bears or contains statements, or words of an obscene, pornographic, or immoral character, as defined by the United States Supreme Court.
- d. Any signs with flashing, chasing, pulsating, twinkling, dancing, scintillating, and/or oscillating lights or any other rotating, revolving, or otherwise moving part or the appearance of moving parts or motion. This includes individuals holding signs not otherwise provided for in accordance with the United States Constitution.
- e. Off-premises signs, unless required by and in accordance with the MUTCD or placed by or authorized on behalf of or by a governmental entity.
- f. Off-premises outdoor advertising (billboards).
- g. Banners, feather flags, pennants, ribbons, festoons, buntings, streamers, spinners, balloons, or other types of lighter-than-air or wind-activated signs and attention getting devices.
- h. Advertisement displays hung internal in an automobile service bay where such display is visible from a street or a public access easement.

- i. Bollard covers, tire stack covers, and similar signs.
- j. Portable signs that do not comply with the location, size, or use restrictions of this chapter.
- k. Search lights.
- l. Signs attached to, suspended from, or painted on any vehicle or similar mobile structure which is regularly parked or situated on any street, parking lot, or private property when one of the purposes of so locating such vehicle or similar mobile structure is to display, demonstrate, advertise, or attract the attention of the public.
- m. Signs imitating or resembling official traffic or government signs or signals.
- n. Roof signs, or signs extending beyond the main roof line, provided that signs may be mounted on an architectural feature extending beyond the roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.
- o. Snipe signs, and
- p. All other signs not specifically permitted or that are not a lawful nonconforming sign.

(3) *Criteria in determining sign area.*

- a. Ground Mounted and Other Non-Wall Mounted Signs.
 - (1) The sign area for all ground mounted (and other non-wall mounted) signs shall include and encompass the entire sign face, framing, trim, and associated moldings. The area shall not include the supporting sign structure.
 - (2) For a sign with two parallel faces, only the area of a single face shall be considered. If the faces of a sign are not parallel, then the total sign area shall be the sum of the areas of the individual, non-parallel faces.
 - (3) Where a ground mounted sign is mounted on a larger ornamental wall structure, such as on a subdivision entrance wall feature, its area shall be measured in the same fashion as a wall mounted sign (see part b. below).
- b. Wall Mounted Signs.
 - (1) For cabinet type/style signs, the sign area shall include the external perimeter of the entire cabinet measured to include all sign elements, including any internal spaces where such sign includes cut-out areas.
 - (2) For signs that include channel letters and/or other individual elements (letters, logos, etc.) mounted on raceways or directly on a wall, the sign area shall be measured by drawing an imaginary single, regular geometric shape of a rectangle, circle, or equilateral triangle around and encompassing all sign elements. The text and other graphics (sign elements) do not have to be physically, visually, or topically related, or physically connected to be included in the measured area.

- (3) For window signs, the sign area shall be calculated separately for each window sign and, for each sign, shall include all background, framing, or other supporting material that forms the physical extent of the sign.
- (4) *Criteria in determining sign height for ground-mounted signs.* Unless provided for otherwise in this chapter, the sign height shall be measured by the vertical dimension from the ground level at the base of the sign, including the supporting structure, to the top most point of the sign and/or its associated framing/support, exclusive of the additional 18 inches permitted to accommodate address numbers. Unless otherwise specified in this chapter, if the ground level at the base of the sign is lower than the adjacent street grade, the height shall be computed from the adjacent street grade, excluding elevated bridges or interchanges.
- (5) *Criteria in determining setback for ground-mounted and pole signs.* The setback shall be measured from the farthest most protrusion of the sign to the nearest point of a property line. All signs shall be located outside of the visibility triangle. For the purposes of this article, the interstate highway right-of-way shall be considered a side or rear lot line.
- (6) *Construction specifications.* All signs shall be installed in compliance with all building and fire codes adopted by the Town. All electrical service to ground-mounted and pole signs shall be under ground. Any lighting of signs shall be installed to prevent any glare upon adjoining properties or rights-of-way.
- (7) *Sign maintenance and removal.*
- a. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The sign administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
 - b. When any sign is removed, all structural components shall be removed with the sign and such removal shall be in compliance with all building and fire codes adopted by the Town. All structural components of ground-mounted and pole signs shall be removed to ground level. The structural components of all other signs, including painted wall signs, shall be removed back to the original building configuration. All visual remains of the sign shall be removed.

Section 109-12. Sign regulations by land use and/or zoning districts.

All signs shall comply with the following regulations. Any sign that is not specifically permitted shall be prohibited.

- (a) *Signs permitted in all zoning districts.* The following signs are permitted in all zoning districts subject to compliance with all applicable provisions of this chapter or other applicable Town regulations, standards, or requirements:
- (1) Flags.
 - (2) Signs authorized in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), as amended.
 - (3) Political or campaign signs, as provided for in TCA, Title 2, Chapter 7, Section 143. Tennessee Freedom of Speech Act.
 - (4) Signs placed by or on behalf of a governmental entity.
 - (5) Street or address identification numbers/letters as stipulated in the adopted building and/or fire code.
 - (6) Temporary parcel sign, and
 - (7) Temporary signs specifically authorized by the Town to promote specific events, programs, or community objectives.
- (b) *Signs permitted on land for residential uses.* The following signs are permitted on land used for residential purposes. Recreational facilities developed as part of a residential development shall also follow these regulations:
- (1) *Permanent ground mounted subdivision sign.* Once a preliminary plat or a site plan has been approved in relation to a subdivision, a permanent ground mounted subdivision sign shall be permitted as follows:
 - a. *Sign area.* A subdivision is permitted a total of 40 square feet per single-family or multi-family development entrance, with either one ground-mounted sign not to exceed 40 square feet or two ground mounted signs not to exceed 20 square feet each.
 - b. *Sign placement.* Such signs and the structures/walls on which they are affixed shall be out of any platted drainage or utility easements and shall be set back a minimum of ten feet from any front property line(s) and five feet from any side or rear property line. Such signs and the structures/walls on which they are affixed shall be located on either a platted open space lot or within a platted sign easement. Any signs or structures proposed within the public right of way as part of a streetscape plan submittal, shall be recommended for approval by the Planning Commission and Visual Resources Review Board before being presented to the Board of Mayor and Aldermen for approval.
 - c. *Sign height.* Permanent freestanding subdivision signs, excluding the supporting structure, shall not exceed six feet in height.
 - d. *Sign illumination.* If such sign or its supporting structures are to be illuminated, external illumination shall be used and such illumination shall be directed only onto the sign face. Each individual light fixture shall not exceed 850 lumens per fixture and shall be shielded so that no glare is created, and

- e. *Sign landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base.
- (2) *Temporary freestanding subdivision entrance sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per public street entrance into a new subdivision development, provided the following criteria are met:
- a. The sign shall not exceed 32 square feet.
 - b. The sign shall not exceed ten feet in overall height.
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb.
 - d. The sign shall not be erected until a preliminary plat or site plan has been approved, and
 - e. The sign shall be removed within 15 days of the installation of the permanent freestanding subdivision sign.
- (3) *Temporary freestanding subdivision sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per new subdivision development provided the following criteria are met:
- a. The sign shall not exceed 32 square feet.
 - b. The sign shall not exceed ten feet in overall height.
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb.
 - d. The sign shall not be erected until a preliminary plat or site plan has been approved, and
 - e. The sign shall be removed when at least 75% of the units/lots within the development, as based on the approved preliminary plat, have received Certificates of Occupancy.
- (4) *Permanent parcel sign.* Each individual house lot shall be permitted one non-illuminated permanent wall mounted sign not to exceed two square feet.
- (5) *Temporary parcel sign.* Each individual house lot shall be permitted one temporary parcel sign not to exceed six square feet in area and six feet in overall height. This may include a sign where the owner consents and the property is being offered for sale or lease. A temporary parcel sign shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.

- (6) *Flag.* Each single-family house lot with an occupied dwelling unit shall be permitted one freestanding flagpole not to exceed 25 feet in height with up to two flags not to exceed 15 square feet each being permitted on such pole. The flagpole shall meet the setbacks that apply to the principal building (the dwelling unit).

In lieu of a freestanding flagpole, one house mounted flagpole shall be permitted provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

- (7) *Subdivision exit sign.* One non-illuminated ground-mounted sign not to exceed six square feet in size and four feet in height shall be permitted per single-family or multi-family development entrance. Such sign shall be placed at the rear of the permanent subdivision sign so that it is only visible to vehicles exiting the development.

Where a single-family or multi-family development does not have a permanent subdivision sign at its egress point or because of the setback or angle of the permanent subdivision sign is such that the message area would not be readable; one non-illuminated single-faced freestanding homeowner association notification sign shall be permitted per egress point. Such freestanding sign shall be set back a minimum of five feet from all property lines and shall be located on property which is part of the subdivision and which is zoned the same as the subdivision.

Where such sign is proposed on property which is not owned by the homeowners' association, an appropriate easement shall be recorded as a condition for approval of the sign. Such signs shall be landscaped per this chapter and the sign face shall be oriented so that it is only visible to vehicles exiting the development. The back of the sign face shall be constructed of material which is non-reflective and the sign shall be generally compatible with other entrance features in the immediate area.

- (c) *Signs permitted for developments being used for single-use non-residential purposes, including freestanding churches and schools, are as follows:*

- (1) *Primary permanent ground mounted sign.* Unless provided for otherwise in this chapter, one primary permanent ground mounted sign shall be permitted provided the following criteria are met:
- a. *Sign area and setback determination.* The sign area is based on its setback from the front property line. The minimum setback from a front property line is ten feet with the maximum permitted sign face area being 20 square feet. For each additional foot that the sign is set back from the ten-foot

minimum, the sign face area may be increased by two square feet with the maximum sign face area being 40 square feet at a 20-foot setback. Sign structures shall also be outside of any platted easements and at least ten feet from any side or rear property line.

- b. *Corner lot.* If a property accesses two different public streets, a primary permanent ground mounted sign shall be permitted for each street provided the signs are at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Each sign shall face, in a perpendicular manner, the nearest public street from which the access is provided.
- c. *Signs on same frontage.* If a property fronts the same public street for at least 400 feet, a second primary permanent ground-mounted sign shall be permitted along such frontage provided the structure of such sign is at least 350 feet from the structure of the other sign permitted along the same frontage.
- d. *Height Determination.* Permitted sign height is based on the setback from the front property line. Unless otherwise provided for in Section 109-11. (4), where the sign is set back the minimum of ten feet from the front property line, the maximum permitted height shall be six feet. Beyond this point, two inches of increased allowable sign height shall be permitted for each additional one foot of setback from the front property line up to a maximum of 7.66 feet (92 inches) in overall height (exclusive of addressing) at a 20-foot setback from the front property line.
- e. *Addressing.* An additional 18 inches of overall sign height is permitted to enclose or otherwise provide for address numbers. Address numbers shall be at the top of the sign and shall be eight inches in number height. Where a property abuts two public streets and has a sign facing each street, the address numbers shall be required on the sign that is perpendicular to the street with the assigned address.
- f. *Landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base. Ground-mounted sign placement and site landscaping shall be coordinated to the greatest extent possible as part of the site plan and landscape plan review processes. Landscaping proposed around a ground mounted sign shall also be specifically evaluated in terms of ensuring that the copy on a sign face is not obstructed.
- g. *Illumination.* If external illumination is used, such illumination shall be directed only onto the sign face and shall be shielded so that no glare is created. Each individual light fixture shall not exceed 850 lumens per fixture, and
- h. *Sign base and architectural compatibility.* Each new primary permanent ground mounted sign, regardless of permitted height and sign face area,

shall have a minimum two-foot above grade base below the sign face. The sign base shall be solid with no exposed poles. The base and other elements of the support structure of the sign shall be constructed of material that is compatible with the primary exterior material(s) used on the principal building(s).

(2) *Temporary parcel sign.* Unless provided for otherwise in this chapter, one temporary parcel sign shall be permitted for the development provided the following criteria are met:

- a. Such sign does not exceed 20 square feet in area and six feet in overall height and is placed at least 20 feet from the back of the public street curb or edge of street where curbing is not provided. Temporary parcel signs shall be a minimum of ten millimeters (.39 inches) in thickness and supported by metal t-posts. Banners, pennants, streamers, and similar flexible or wind activated signs shall not be permitted.
- b. A temporary parcel sign shall be permitted for no more than 40 calendar days per year with such time tracked through a temporary sign permitting process. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary parcel sign shall be permitted on the parcel. Such additional sign shall not be subject to the 40-day limitation but shall be subject to all other physical requirements associated with temporary parcel signs and shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.

(3) *Primary permanent wall mounted sign.* Unless provided for otherwise in this chapter, each principle building shall be permitted one wall mounted sign which may be installed on any single building elevation subject to the following criteria:

- a. *Sign area.* The sign area, unless provided for otherwise in this chapter, shall be based on the width of the building wall (same horizontal plane) on which the sign is to be mounted with one square foot of sign area being permitted for each one linear foot of building width, as measured from exterior wall edge to exterior wall edge. Such signs shall not exceed 350 square feet, unless provided for otherwise in this chapter.
- b. *Corner lot.* Where a principle building directly faces more than one public street or public access easement that provides access to the property, one wall mounted sign shall be permitted for up to two frontages. One of the

- permitted signs shall be limited to .75 square feet of sign area for each one (1) linear foot of building wall on which the sign is to be mounted.
- c. *Buildings exceeding 300 linear feet of wall length.* If a building has more than 300 linear feet of wall length, there shall be a maximum of one sign per principal building entrance. Such signs shall be located within the entrance vicinity. One additional sign may be located anywhere on the building wall. All such signs shall be spaced a minimum of 50 feet apart. Each sign shall be calculated separately with the total sign area of all signs combined not exceeding a ratio of one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted. No individual sign shall exceed 350 square feet. Such signage shall be limited to one wall.
 - d. *Developments with no paved surfaces in front yard.* If a building has no paved surfaces located in the front yard between the building and the street, one wall mounted sign shall be permitted on the side of the building which fronts upon a public street(s) and one wall mounted sign shall be permitted on the side of the building which faces upon a customer parking area. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted. In the case of a corner lot, the owner is permitted a total of two wall mounted signs. The owner may choose between placing the sign on any two of the three qualifying elevations. One of the two permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.
 - e. *Developments abutting the Interstate.* Within the C-2, Regional Commercial District, one wall mounted sign shall be permitted on the building elevation that faces the interstate, provided such elevation is at least 100 linear feet in length. Such building elevation is permitted one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted not to exceed 350 square feet, and
 - f. *Compatibility.* All wall signs shall be architecturally compatible with the principal building and shall be consistent in terms of sign material, general color, mounting style, and illumination with the other signs on the same building.
- (4) *Interior accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one interior accessory freestanding sign shall be permitted provided the following criteria are met:
- a. Such sign shall not exceed six square feet in sign area and four feet in overall height.

- b. Such sign shall be at least 60 feet from any property line.
- c. Such sign shall be at least five feet from any parking lot or accessway curb.
- d. Such sign shall not create a visibility obstruction, and
- e. Such sign shall have a base constructed of material that is compatible with the primary exterior material used on the principal building(s).

(5) *Peripheral accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one peripheral accessory freestanding sign shall be permitted provided the following criteria are met:

- a. Such sign shall not exceed two square feet in sign area and 30 inches in overall height.
- b. Such sign shall have a base that is architecturally compatible with the building it is associated with, and
- c. Such sign shall be at least 15 feet from the back of the public street/access easement curb and at least five feet from any parking lot or accessway curb.

(6) *Window sign.* On each first-floor building elevation, window signage shall be permitted provided the following criteria are met:

- a. Window signage shall not exceed 25% of the total window area of a building elevation or 20 square feet (as measured by the cumulative total of all window signs on the same building elevation), whichever is less, and
- b. Up to six square feet of window signage may be internally illuminated but shall not have any moving, blinking, or flashing message.

(7) *Freestanding building frontage sign.* Along one building elevation, one non-illuminated freestanding building frontage sign shall be permitted, provided the following criteria are met:

- a. Such sign shall be placed within 10 feet of the building.
- b. Such sign shall not obstruct pedestrian facilities.
- c. Such sign shall not interfere with or cause the removal of landscaping.
- d. Such sign shall not exceed six square feet in sign area and four feet in overall height.
- e. Such sign shall only be readable by pedestrians at the building frontage of the development.
- f. Such sign shall be removed during non-business hours, and
- g. Such sign shall be of a solid (non-flexible) material, such as a sandwich board sign. Banners, pennants, streamers and similar flexible or wind activated signs shall not be permitted.

(8) *Interstate/interchange pole sign.* Establishments located within the C-2 Regional Commercial District shall be permitted one internally illuminated interchange pole sign, subject to the following criteria:

- a. The existing lot of record (at the time of this ordinance adoption) for the establishment shall be located within 200 feet of the right of way of the Campbell Station Road/I40 Interchange.
- b. Such sign shall not exceed 400 square feet.
- c. Such sign shall be set back a minimum of 20 feet from the front property line and ten feet from the side and rear property lines.
- d. Such sign shall have a maximum of two sides provided both sides cannot be seen simultaneously from any point, and
- e. The maximum height for such sign relative to mean sea level shall be 1,030 feet or 60 feet above the centerline elevation of the interstate road at the point nearest the sign, whichever is less. A certified survey which verifies the sign height shall be submitted to the sign administrator within ten days after the sign is installed.

(9) *Athletic fields.* Athletic field signage on non-government property shall not be visible from public rights of ways and adjacent properties.

(10) *Flag.* Two flags shall be permitted on one freestanding flagpole per 400 feet of property frontage on a public street. Such flags shall not individually exceed 25 square feet in size and 25 feet in mounted height. Flag poles shall meet the setback requirements for principal buildings in the corresponding zoning district.

In lieu of a freestanding flagpole, one building mounted flagpole shall be permitted on the principal building provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

(d) *Signs permitted on land for multiple use buildings or multiple building complexes for commercial purposes, offices, or government facilities.* The following signs are permitted on land used for multiple use buildings (including schools and churches with multiple buildings) used for commercial purposes, offices, or government facilities or land used for multiple building complexes used for commercial purposes, offices, or government facilities:

(1) *Primary permanent ground mounted sign.* Unless provided for otherwise in this chapter, one primary permanent ground mounted sign is permitted provided the following criteria are met:

- a. *Sign area and setback determination.* The sign area is based on its setback from the front property line. Signs with only one entity represented on the sign face shall be subject to the provisions for primary permanent ground mounted signs that govern freestanding establishments in Section 109-12 (c)(1).
- i. Where a building has more than one tenant and more than one entity represented on the sign face, the minimum setback from a front property line is ten feet with the maximum permitted sign face area being 20 square feet. Beyond this minimum, for each additional one foot the sign is set back from the ten foot minimum setback, the sign face area may be increased by four square feet up to a maximum permitted sign face area of 60 square feet at the 20 foot setback from the front property line.
 - ii. Where a development fronts the same public street for at least 400 feet, the above provided 60 square foot sign may be substituted with two smaller signs along this 400 feet of street frontage. Each smaller sign shall not exceed 40 square feet and shall be at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Such signs shall be set back a minimum of 15 feet from the front property line. This sign option shall be permitted for each 60 square foot sign that would otherwise qualify for the property based on its public street frontage.
 - iii. In addition to the setback from the front property line, all primary permanent ground-mounted signs and the structures on which they are mounted shall be placed outside of any platted easements and set back at least ten feet from any side or rear property line.
 - iv. An applicant may use the allocated sign face area to distribute tenant listings in any manner desired, provided the sign administrator and the Visual Resources Review Board approve the arrangement in terms of its legibility, compatibility, and general appearance. As a general guide, the outer dimension of an individual tenant panel should be at least eight inches in height to provide for the space necessary to improve legibility.
- b. *Corner lot.* If a property accesses two different public streets, a primary permanent ground mounted sign shall be permitted for each street provided the signs are at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Each sign shall face, in a perpendicular manner, the nearest public street from which the access is provided.

- c. *Signs on same frontage.* If a property fronts the same public street for at least 400 feet, a second primary permanent ground-mounted sign shall be permitted along such frontage, provided the structure of such sign is at least 350 feet from the structure of the other sign permitted along the same frontage.
 - i. Should a development qualify, as provided for in Subsection a. ii., above, for two smaller primary permanent ground-mounted signs in lieu of one larger 60 square foot primary permanent ground-mounted sign, each 400 feet of public street frontage may have two smaller signs, provided these smaller signs are at least 150 feet apart. Should an owner with the qualifying frontage mix a 60 square foot sign with two smaller 40 square foot signs, the sign nearest the 60 square foot sign shall be at least 350 feet from such sign.
- d. *Height Determination.* Permitted sign height is based on the setback from the front property line. Unless otherwise provided for in Section 109-11. (4), where the sign is set back the minimum of ten feet from the front property line, the maximum permitted height shall be six feet. Beyond this point, a sign with more than one tenant shall be permitted two inches of increased allowable sign height for each additional one foot of setback from the front property line up to a maximum of 7.66 feet (92 inches) in overall height (exclusive of addressing) at a 20-foot setback from the front property line.
- e. *Addressing.* An additional 18 inches of overall sign height is permitted to enclose or otherwise provide for address numbers. Address numbers shall be at the top of the sign and shall be eight inches in number height. Where a property abuts two public streets and has a sign facing each street, the address numbers shall be required on the sign that is perpendicular to the street with the assigned address.
- f. *Landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base. The placement of landscaping should be evaluated as part of the sign permit review process to ensure that selected landscaping will not block the sign message.
- g. *Illumination.* If external illumination is used, such illumination shall be directed only onto the sign face and shall be shielded so that no glare is created. Each individual light fixture shall not exceed 850 lumens per fixture.
- h. *Sign base and architectural compatibility.* Each new primary permanent ground mounted sign, regardless of permitted height and sign face area, shall have a minimum two-foot above grade base below the sign face. The sign base shall be solid with no exposed poles. The base and other elements

of the support structure of the sign shall be constructed of material that is compatible with the primary exterior material(s) used on the principal building(s), and

- i. *Legibility.* All written and numerical information included on a multiple tenant permanent ground mounted sign shall be legible for a person driving the posted speed limit on the corresponding street. Individual letters or figures used within a logo or emblem are not required to be legible. However, the logo or emblem, as a whole, must be legible. The background color shall be consistent on all tenant panels so that the sign in its entirety has a general cohesion and no single tenant panel appears out of place.

(2) *Temporary parcel sign.* Unless provided for otherwise in this chapter, each tenant is permitted one temporary parcel sign provided the following criteria are met:

- a. Such sign does not exceed 20 square feet in area and six feet in overall height and is placed at least 20 feet from the back of the public street curb or edge of street where curbing is not provided. Temporary parcel signs shall be a minimum of ten millimeters (.39 inches) in thickness and supported by metal t-posts. Banners, pennants, streamers, and similar flexible or wind activated signs shall not be permitted.
- b. A temporary parcel sign shall be permitted for no more than 40 calendar days per year with such time tracked through a temporary sign permitting process. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary parcel sign shall be permitted for the entire development (not each tenant). Window signage may be used for individual tenant spaces for lease. Such additional sign shall not be subject to the 40-day limitation but shall be subject to all other physical requirements associated with temporary parcel signs and shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.

(3) *Primary permanent wall mounted sign.* Unless provided for otherwise in this chapter, each separate use within a building which has its own separate and exclusive exterior public entrance to the building shall be permitted one wall mounted sign provided the following criteria are met:

- a. *Sign area.* The sign area shall be based on the width of the tenant space on the exterior building wall (same horizontal plane) on which the sign is to be mounted with one square foot of sign area being permitted for each one linear foot of tenant space width as measured from the centers of the

exterior wall where the tenant separations occur. If a tenant is on the end of the building, the recognized tenant space would terminate at the end of the building. Such signs shall not exceed 350 square feet, unless provided for otherwise in this chapter. Such wall mounted sign shall be limited to the side of a building which fronts upon a public street/public access easement, faces upon a customer parking area, faces upon a pedestrian mall, or is the point of the principal public access into the establishment.

- b. *Corner lot.* Where a tenant directly faces more than one public street or public access easement that provides access to the property, one wall mounted sign shall be permitted for up to two frontages. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.
- c. *Tenant space exceeding 300 linear feet.* If an individual tenant has more than 300 linear feet of building wall of lease space, there shall be a maximum of one sign per principal building entrance. Such signs shall be located within the entrance vicinity. One additional sign may be located anywhere on the building wall. All such signs shall be spaced a minimum of 50 feet apart. Each sign shall be calculated separately with the total sign area of all signs combined not exceeding a ratio of one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted. No individual sign shall exceed 350 square feet. Such signage shall be limited to one wall.
- d. *Development with no paved surfaces in front yard.* If a building has no paved surfaces located in the front yard between the building and the street, an individual tenant space which is located in the building and fronts upon a public street and faces upon a customer parking area shall be permitted one wall mounted sign on the side of the building which fronts upon a public street(s) and one wall mounted sign on the side of the building which faces upon a customer parking area. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.

In the case of a corner lot, the owner is permitted a total of two wall mounted signs. The owner may choose between placing the sign on any two of the three qualifying elevations. One of the two permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.

- e. *Shared entrance building.* With the exception of the O-1-3 and O-1-5 Zoning Districts, a building with multiple uses that all share the public exterior entrances into the building shall be allowed to distribute wall mounted signage from an overall square footage determined by applying one square foot of sign area for each linear foot of building wall on which the sign(s) is(are) to be mounted. Such signs may be calculated separately

provided the cumulative total square footage of all signs does not exceed the overall square footage permitted. Such signs shall be limited to the side of the building which fronts a public street or faces upon a customer parking area and shall be compatible in terms of sign material, general color, mounting style, and illumination;

- f. *Pedestrian mall.* In the case where a building has a pedestrian mall, the property owner may opt for a different wall signage alternative. When a wall has a pedestrian mall access, each separate use which faces upon such wall shall be permitted one wall sign not to exceed 25 square feet. In addition, each separate use which faces upon the pedestrian mall shall be permitted one wall sign not to exceed 25 square feet with the total signage for mall uses not to exceed 100 square feet. In no case shall a use have more than one sign. Such signs shall be placed on the wall that has the pedestrian mall access and which fronts upon a public street or faces upon a customer parking area. The maximum sign area allowed on such wall shall be one square foot per linear foot of building wall length;
 - g. *Development abutting the interstate.* Within the C-2, Regional Commercial District, one wall mounted sign shall be permitted on the building elevation that faces the interstate, provided the individual tenant space has at least 100 linear feet of building wall abutting the interstate. Such building elevation is permitted one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted not to exceed 350 square feet; and
 - h. *Compatibility.* Wall mounted signage within a multiple tenant development shall be compatible in terms of sign material, general color, mounting style, and illumination. Where a center has an existing mixture of different types of signs, the property owner shall submit to the sign administrator and the VRRB a plan for ensuring compatibility as individual tenant signs transition. The objective is that over time the center will have wall mounted signs that are compatible with each other.
- (4) *Interior accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one interior accessory freestanding sign shall be permitted, provided the following criteria are met:
- a. Such sign shall not exceed 12 square feet in sign area and six feet in overall height.
 - b. Such sign shall be at least 60 feet from any property line.
 - c. Such sign shall be at least five feet from any parking lot or accessway curb.
 - d. Such sign shall not create a visibility obstruction, and

- e. Such sign shall have a base constructed of material that is compatible with the primary exterior material used on the principal building(s).
- (5) *Peripheral accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one peripheral accessory freestanding sign shall be permitted provided the following criteria are met:
- a. Such sign shall not exceed two square feet in sign area and 30 inches in overall height.
 - b. Such sign shall have a base that is architecturally compatible with the building it is associated with, and
 - c. Such sign shall be at least 15 feet from the back of the public street/access easement curb and at least five feet from any parking lot or accessway curb.
- (6) *Window sign.* On each first-floor building elevation, window signage shall be permitted provided the following criteria are met:
- a. Window signage shall not exceed 25% of the total window area of an individual tenant or 20 square feet (as measured by the cumulative total of all window signs on the same lease space elevation), whichever is less, and
 - b. Up to six square feet of window signage may be internally illuminated but shall not have any moving, blinking, or flashing message.
- (7) *Freestanding building frontage sign – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, each tenant within a multiple tenant development shall be permitted one non-illuminated freestanding building frontage pedestrian-oriented sign, provided the following criteria are met:
- a. Such sign shall be placed within ten feet of the building.
 - b. Such sign shall not obstruct pedestrian facilities and shall only be permitted where the sidewalk along a frontage is at least eight feet in width.
 - c. Such sign shall not interfere with or cause the removal of landscaping.
 - d. Such sign shall not exceed six square feet in sign area and four feet in overall height.
 - e. Such sign shall only be readable by pedestrians at the multiple tenant development.
 - f. Such sign shall be removed during non-business hours, and

g. Such sign shall be of a solid (non-flexible) material, such as a sandwich board sign. Banners, pennants, streamers and similar flexible or wind activated signs shall not be permitted.

(8) *Projecting sign – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, an individual tenant may be permitted one non-illuminated projecting sign near the principal entrance not to exceed four square feet in size. Such sign shall comply with adopted building code clearance requirements and shall be hung perpendicular to the building.

(9) *Under canopy sign.* When the roof of a building is extended as a canopy over the public entrances in the building, one non-illuminated sign per principal entrance shall be permitted. Such signs shall not exceed four square feet in size, shall comply with adopted building code clearance requirements, and shall be hung perpendicular to the building.

(10) *Athletic fields.* Athletic field signage on non-government property shall not be visible from public rights of ways and adjacent properties.

(11) *Flag.* Two flags shall be permitted on one freestanding flagpole per 400 feet of property frontage on a public street. Such flags shall not individually exceed 25 square feet in size and 25 feet in mounted height. Flag poles shall meet the setback requirements for principal buildings in the corresponding zoning district.

In lieu of a freestanding flagpole, one building mounted flagpole shall be permitted on the principal building provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

(e) *Wall signs in the Office District, Three Stories (O-1-3) and Office District, Five Stories (O-1-5); shared entrance building.*

(1) A building with multiple uses that all share the public exterior entrances into the building and that has more than 225 feet of building wall facing a public street shall be permitted four wall signs. Each sign shall be roughly proportional in size and general appearance. Such signs may be calculated separately provided the cumulative total square footage of all four signs shall not exceed one square foot of sign area for each linear foot of building wall which faces a public street. The cumulative square footage of all four wall signs shall not exceed 350 square feet. Such wall signs shall be limited to two on the side of a building which fronts upon a public street and shall be a minimum of 50 feet apart. Building elevations that do not face a public street shall be limited to one wall sign per elevation and shall be centered on said elevation, and

- (2) All such wall signs shall be architecturally compatible with the principal structure and shall be consistent in terms of style, color, and illumination with the other signs in the complex. All wall signage shall be limited to two colors on all building elevations.
- (f) *Signs permitted on land for banks and other lending institutions.* In addition to the applicable regulations above, the following additional signs are permitted on land used for banks and other lending institutions:
- (1) *Automatic teller machines.* One sign which shall not exceed two square feet in sign area, and which is posted at the machine. One sign, which shall not exceed two square feet in sign area, and which is posted above the drive-thru lane on the overhead canopy, and
 - (2) *Drive-thru teller lanes.* One sign which shall not exceed two square feet in sign area, and which is posted at the service window. One sign which shall not exceed two square feet in sign area per drive-thru lane, and which is posted above the lane on the overhead canopy.
- (g) *Signs permitted on land for theaters.* In addition to the applicable regulations above, the following additional signs are permitted on land used for theaters:
- (1) *Marquee sign.* A marquee sign shall be limited to the side of the theater building with the principal public entrance. Such sign shall not exceed one square foot of sign area for each linear foot of building wall on which the sign is to be mounted, not to exceed 350 square feet, and
 - (2) *Poster case signs.* One poster case sign is permitted per movie screen or stage, which shall each not exceed 16 square feet in sign area, including frames. Illumination shall be in such a manner as to light the poster for readability only. Poster case signs shall be used in lieu of any temporary window signs. Such signs shall be mounted on the building wall with the principal public entrance.
- (h) *Signs permitted on land for other businesses with drive-thru windows.* In addition to the applicable regulations above, the following additional signs are permitted on land used for other businesses with drive-thru windows:
- (1) *Wall signs.* One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted at the ordering point. One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted at the pick-up point, and
 - (2) *Canopy signs.* One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted above the lane on the overhead canopy.
- (i) *Signs permitted on land for restaurants with drive-thru windows.* In addition to the applicable regulations above, the following additional signs are permitted on land used for restaurants with drive-thru windows:

Menu board signs (outside of the Mixed-Use Town Center land use area):

- (1) *Generally*. One sign per drive-thru lane which shall not exceed 30 square feet in sign area and six feet in overall height, and
 - (2) *Order box signs*. One sign per drive-thru lane which shall not exceed one square foot in sign area and 30 inches in overall height.
- (j) *Signs permitted for gasoline stations/convenience stores*. For the purposes of this chapter, gasoline service stations/convenience stores shall be considered single-use non-residential and such sign regulations shall apply. If such establishments also have a restaurant with a drive-thru window, such drive-thru window sign regulations shall apply. In addition to these signs, the following additional signs are permitted:
- (1) *Canopy signs*. Two signs which shall each not exceed nine square feet in sign area, and which shall be posted on two different sides of the canopy over the gas pumps.
 - (2) *Gas pump signs*. Any number of signs calculated separately, and which shall not exceed a cumulative sign area of eight square feet per side of each gas pump island. Only one sign permit shall be required for all the gas pump islands on the site.
 - (3) *Car wash signs*. In addition to the wall signs permitted elsewhere in this chapter, one additional wall sign shall be permitted on the wall of the vehicle entrance at a car wash. Such wall sign shall be permitted one square foot of sign area for each linear foot of building wall on which the sign is to be mounted, and
 - (4) *Car wash order box signs*. One sign per car wash entrance which shall not exceed one square foot in sign area and 30 inches in overall height.
- (k) *Signs permitted on land for large medical campuses on tracts of land ten acres or larger*. For the purposes of this chapter, large medical campuses shall be considered multiple use/multiple building complexes. In addition to the applicable regulations provided for in association with multiple use/multiple building complexes, the following additional signs are permitted on land used for large medical campuses located on tracts of land larger than ten acres:
- (1) *Parking lot directory signs*. Parking lot directory signs shall be located at key decision-making locations within the parking lot in relation to building entrances. The physical layout of the campus shall determine the total number of signs needed. Such signs are not intended to be legible from adjacent streets and shall meet the following criteria:
 - a. Such signs shall be set back a minimum of 35 feet from side and rear property lines, 60 feet from front property lines, and five feet from the edge of driveway pavement.

- b. The entire sign structure shall not exceed 30 square feet, the sign area of such signs shall not exceed 12 square feet, and the sign shall not exceed six feet in overall height.
- c. At a single key decision making location within the parking lot, if one parking lot directory sign is not large enough to accommodate the essential directional information, two such signs may be placed side by side.
- d. The letters and numbers on the signs shall not exceed five inches in height with each tenant/occupant listing to be limited to the same color, size, and shape, and
- e. Such signs shall be architecturally compatible with the principal building.

(2) *Wall signs.*

With the exception of individual medical offices, each separate principal medical use within a building shall be allowed one wall sign. Such wall signs shall be limited to the side of a building which fronts upon a public street or faces upon a customer parking area. The permitted sign area shall be as provided for in this chapter.

Due to its unique safety related characteristics, an emergency room shall be allowed one wall sign for each building wall approach to the emergency room portion of the building. The permitted sign area shall be as provided for in this chapter.

SECTION 2.

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

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2020, with approval recommended.

Rita Holladay, Chairman

Rose Ann Kile, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: First Reading of Ordinance 20-11, Ordinance to Amend the Equipment Fund for the Fiscal Year 2020-2021 budget, passed by Ordinance 20-07

INTRODUCTION:

The purpose of this agenda item is to approve Ordinance 20-11 on first reading to amend the Fiscal Year 2021 Equipment Fund Budget.

DISCUSSION:

The **Equipment Fund** will be amended by increasing the appropriated expenditures from \$208,240 to \$223,000, an increase of \$14,760.

- **Major Equipment**
 - **\$14,760-** The increase in the expenditures is due to the unforeseen purchase of a new truck. During the annual budget review, the replacement of a 2005 Ford F150 truck was moved out to FY2022. The pickup truck recently sustained catastrophic motor failure and the repair costs are more than the current value of the vehicle. The Town approved the replacement purchase of a new vehicle through the State of TN contracting process.

FINANCIAL SECTION:

With the \$14,760 adjustment, the amended fund balance for the Equipment Fund is \$876,593.

Account Number: Equipment Fund Budget		
<u>Original FY2020 Budget</u>	<u>Requested Amendment</u>	<u>FY2020 Amended Budget</u>
\$208,240	\$14,760	\$223,000
Approved By: <u>A. Myers</u>		

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer, for approval.

PROPOSED MOTION: Motion to approve Ordinance 20-11 on first reading.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE	20-11
PREPARED BY	Myers
1 ST READING	August 13, 2020
2 nd READING	August 27, 2020
PUBLISHED IN	Shopper News Farragut
DATE	

**AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE
AMENDING THE FISCAL YEAR 2020-2021 BUDGET, PASSED BY ORDINANCE 20-07**

WHEREAS, the Town of Farragut adopted the fiscal year 2020-21 budget by passage of Ordinance Number 20-07 on June 11, 2020: and

WHEREAS, pursuant to the Tennessee State Constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, expenses for the Equipment Replacement Fund will be greater than budgeted; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2020-2021 BUDGET AS FOLLOWS:

SECTION 1. Ordinance 20-07 is hereby amended by:

- The **Equipment Replacement Fund** will be amended by increasing the appropriated expenditures from \$208,240 to \$223,000, an increase of \$14,760.

SECTION 2. The Board of Mayor and Aldermen authorizes the Town Recorder to make said changes in the accounting system.

SECTION 3. This ordinance shall take effect after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Approval request for a variance from the number of access points permitted on a local street as provided for in the Driveways and Other Accessways Ordinance in relation to the property at 11740 Weathervane Drive (Jon-David and Allison Deeson, Applicant)

INTRODUCTION AND BACKGROUND: This agenda item involves a request for a variance from the number of access points permitted on a local street in accordance with the Farragut Code of Ordinances, Chapter 22, Article 5., Driveways and Other Access Ways ordinance. The applicant's lot is located at the corner of South Monticello Drive and Weathervane Drive. The lot fronts on South Monticello Drive for approximately 154 feet and Weathervane Drive for approximately 204 feet. Based on the applicant's total frontage, they would be permitted two access points.

DISCUSSION: The house on the property is undergoing significant renovations which are nearly complete. The garage (pre and post renovation) faces Weathervane Drive and has a roughly 60- foot deep driveway from curb to face of garage. As part of the renovation process, the applicant would like to have a circular drive on South Monticello which would result in two access points along that frontage. Included with this agenda item are the applicant's reasons for the circular drive and other information to provide context for the applicant's position.

The idea for a circular drive was discussed in May of 2018 with staff (Mark Shipley) before plans were submitted (see copy of emails included in packet). Staff noted, at that time, that they would not be able to have two access points as proposed. Staff asked if they could add a turn-around area so that some off-street parking could be provided. Staff also provided the applicant with the process for appeal.

When the building plans were submitted for review, the circular drive with the two access points was included as a site plan sheet in the overall submittal and approved, in error, with the building plans in January of 2019. When the circular drive was subsequently graded a few weeks ago, codes staff asked that further activity associated with the driveway be suspended until this site related matter could be heard on appeal by the Planning Commission and Board of Mayor and Aldermen.

The applicant has included a section in their submittal which describes the property and, from the applicant's perspective, how the property is unique with regards to the justification for a circular drive. The applicant also takes the position that the ordinance provides for a circular drive where certain criteria can be satisfied and, in effect, becomes an equivalent alternative to the one access point that may otherwise be permitted along the same street without regard to the more-strict criteria associated with a circular drive.

RECOMMENDATION: At their meeting on July 18, 2020, the Planning Commission recommended unanimously to support the variance request for safety reasons and with the understanding that the language governing this part of the Ordinance will be re-visited for a text amendment to clarify the circular drive provisions for corner lots with a significant amount of street frontage. Staff will be presenting a text amendment to the Planning Commission in August for their recommendation to the Board.

PROPOSED MOTION: To approve the variance request for the reasons noted by the Planning Commission.

BOARD ACTION:

MOTION BY:_____ SECONDED BY:_____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

Mark Shipley

From: Jon-David Deeson <jddeeson@gmail.com>
Sent: Thursday, May 24, 2018 3:18 PM
To: Mark Shipley
Subject: Re: Follow-up: 11740 Weathervane Drive: Circle Driveway

Mark,

That works. Daria and Grant McMahan (McCamy Construction) will be with me.

We will see you next Tuesday (May 29) at 9:00 am.

Thanks!

Jon-David Deeson

On Thu, May 24, 2018 at 2:07 PM, Mark Shipley <mshipley@townoffarragut.org> wrote:
How about 9 at the codes office on second floor?

Sent from my iPhone

On May 24, 2018, at 1:05 PM, Jon-David Deeson <jddeeson@gmail.com> wrote:

Hi Mark,

I left you a voice mail. I am just trying to confirm that meeting next Tuesday morning at 10:00 am is good. If so, please give me your office location too.

Thanks!

Jon-David Deeson

On Wed, May 23, 2018 at 5:50 PM, Jon-David Deeson <jddeeson@gmail.com> wrote:
Mark,

Thanks for your reply. Let's meet at 10:00 am on Tuesday.

Please confirm this day/time is good and the location of your office.

Jon-David Deeson

On Wed, May 23, 2018 at 4:54 PM, Mark Shipley <mshipley@townoffarragut.org> wrote:

Thank you. The process for appealing goes initially to the planning commission and they would then make a recommendation to the board of mayor and aldermen. It appeared that Adam Price had made some good suggestions that would address your concern but if you still want to appeal this that would be the process. I am in the office on Tuesday if you want to send me a time. Perhaps the morning would work better since I already have meetings in the afternoon.

From: Jon-David Deeson [mailto:jddeeson@gmail.com]
Sent: Wednesday, May 23, 2018 11:33 AM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Adam Price <aprice@townoffarragut.org>
Subject: Follow-up: 11740 Weathervane Drive: Circle Driveway

Good morning Mark,

You have corresponded with our architect, Daria Krol, during the past two weeks as shown below. The matter in question has been a proposed circle driveway at our 11740 Weathervane Drive home.

We understand the intent of the code that's limited permitting to this point, but believe the decision not to grant permit of the circle driveway is an adverse determination given the unique circumstances of this specific parcel of land. We would like to appeal the current action not to grant a permit for the circle driveway.

We believe we can establish that a denial to permit is not in the best interest of the safety and welfare of the neighborhood residents. We also believe its denial does not promote safe traffic or road passage at more heavily traveled neighborhood roadways that include both Weathervane Drive and Monticello Drive. Therefore, we would appreciate the opportunity to discuss this decision (and next steps) further with you in person.

Please advise us on a time next week that you would be available to meet to discuss. We look forward to speaking with you soon.

Thank you, in advance, for your time and consideration of this important matter to us.

Jon-David

Jon-David Deeson
(865) 806-1172

From: dkrol@r2rstudio.com <dkrol@r2rstudio.com>
Sent: Tuesday, May 15, 2018 3:54 PM
To: 'Mark Shipley' <mshipley@townoffarragut.org>
Cc: 'Adam Price' <aprice@townoffarragut.org>
Subject: RE: follow up

Mark,

I would like to set up an appointment with you to discuss different options. Please let me know when you would be available.

Thanks,

Daria

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Monday, May 14, 2018 2:43 PM
To: dkrol@r2rstudio.com
Subject: RE: follow up

Thanks Daria. Yes, sorry but they would not be able to have two access points as proposed. Could they add a turn around area so that some parking could be provided off street?

From: dkrol@r2rstudio.com [<mailto:dkrol@r2rstudio.com>]
Sent: Monday, May 14, 2018 10:59 AM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Adam Price <aprice@townoffarragut.org>
Subject: follow up

Good morning Mark,

I know it's your first day back, but just wanted to follow up on my email I sent you last week. I have a meeting with the Deesons tomorrow and hoped I could give them an update.

I appreciate your time in reviewing it.

Thanks,

Daria

Daria A. Krol

<image001.jpg>

R2R studio, llc

2575 Willow Point Way, Ste 105

Knoxville, Tennessee 37931

865.769.8075 v.

865.769.8076 f.

dkrol@r2rstudio.com

Please visit our website: www.R2Rstudio.com

From: dkrol@r2rstudio.com <dkrol@r2rstudio.com>

Sent: Monday, May 7, 2018 1:36 PM

To: mshipley@townoffarragut.org

Cc: 'Adam Price' <aprice@townoffarragut.org>

Subject: 11740 Weathervane dr

Mark,

I'm sorry I missed your call on Friday.

I hope I can explain everything via email, and I can always schedule a meeting with you, and Adam, upon your return.

We currently working on the renovation/ addition project for Deeson Residence, at 11740 Weathervane Dr. in Village Green. Adam have already reviewed the project and emailed the comments to our contractor, one of which was to address the driveway situation as we proposed a circular drive.

Currently the house has a driveway of off Weathervane Drive that leads directly to the garage. The front door is facing Monticello Drive and is on the opposite corner from the garage. The property has approximately 400 feet of road frontage.

As the plans progressed, the Owners had asked for a circular drive at the front of the house (of Monticello Drive) to avoid awkward, long, and hardly noticed walkway to the front door from the current driveway, but most importantly to keep the visiting cars off the road at a fairly busy neighborhood intersection. That really is the main reason why we proposed it. They have two teenagers that drive, and have frequent visitors, and guests. The hope was not have them park on either of the two streets and block the intersection, and keep everybody safe.

My hope was to speak with you and see what would our options be in terms of keeping that circular drive in some form. Would you suggest that we apply for the variance? Or are there any options as to minimize the impact and introduce a grass strip in the middle, possibly to not to have to call it a driveway?

I'd like to hear your recommendation in that matter.

I'm copying Adam Price on the correspondence as he is familiar with the project.

Also, I am attaching the submitted site plan for your quick reference.

Thank you,

Daria

Daria A. Krol

<image001.jpg>

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2575 Willow Point Way, Ste 105
Knoxville, Tennessee 37931
865.769.8075 v.
865.769.8076 f.

dkrol@r2rstudio.com

Please visit our website: www.R2Rstudio.com

Homeowner Variance Request

July 16 Planning Commission

Summary of Request and Attachments

Date submitted:

June 15 to Mark Shipley, Town of Farragut

Submitted by:

Jon-David and Allison Deeson, property owners

Property:

11740 Weathervane Drive

Homeowner Variance Request for July 16 Planning Commission

Date submitted: June 15 to Mark Shipley, Town of Farragut

Submitted by: Jon-David and Allison Deeson, property owners

Property: 11740 Weathervane Drive

Variance Request:

Complete a circular drive on the Monticello Drive road frontage at the 11740 Weathervane Drive property that was stopped during construction by Town of Farragut officials in May 2020

Purpose and Use of Circular Drive:

- To **improve the efficiency and safety** of pedestrians, visitors, and vehicles entering, leaving, or crossing the Weathervane Drive and Monticello Drive roadways in the Village Green subdivision
- To provide **more efficient and safe vehicle parking** at property to keep vehicles off the street
- To **improve on-site circulation of vehicles** (ingress/egress on both roads to/from property)
- To **improve the overall appearance of the property** by preserving trees, enhancing landscape, and integrating the best use of driveway space to create the safest and best design and curb appeal solution for the neighborhood
- To **improve the efficiency of access from vehicles to the home's two (2) original entries** (i.e. Front Door and Friends Door Entry) on Monticello Drive frontage

Construction Project Background, Property History and Timeline:

See attached Site Plan, Site Plan with Measurements, and Landscape Design Plan

- Property is nearing completion of a **12+ month renovation project approved by the Town of Farragut and Village Green Homeowner's Association in 2019**
 - Project is a "gutted, whole-house" remodel with new space added
 - Project includes 100% new landscaping, drainage and irrigation systems, and driveways, which are important safety and design features of the site and landscaping plan to improve the property (originally developed in 1980)
 - Homeowners purchased property in August 2017 from original homeowner family's (James and Mary Jones) son, T. Scott Jones
 - Homeowner spent over one (1) year working with architect, contractor, Town of Farragut, and Village Green subdivision to design a renovation project that was the best use of the property to achieve mutually beneficial goals of the town, neighborhood, and homeowner
 - Homeowners have been Farragut residents since 2003 and renovated two (2) prior homes in Woodchase II (805 West Woodchase Road) and Andover Place (12244 West Ashton Court)
- After 12-months of construction and approximately six weeks before project completion, the **Town of Farragut stopped construction of a circular drive (in late May 2020) that was on the site plan of the construction documents reviewed and approved by the Town of Farragut in March 2019**
 - Town of Farragut stated in May 2020 that the circular drive approval had been an oversight during the March 2019 construction document review approval
 - For the homeowner, the approved site plan in the construction documents has meant several renovation and construction decisions being made for months prior to stoppage based on the circular drive plans including a landscape design plan, landscape demolition including tree removal,

front yard, circular drive, and entry pathway excavating and approximately 48 tons of gravel poured in the circular drive area, and new irrigation and drainage pipe system installation – all based on circular drive plans

- o Upon learning the Town of Farragut stopped construction of the circular drive, homeowner contacted Town of Farragut officials to work to find a solution since 1- it had previously been approved, 2- it still provided a safer and more efficient ingress/egress of vehicles and parking on the property, and 3- appeared to the homeowner to be permitted based on an existing circular drive provision in the code of ordinances outlined further below
- o Homeowner spoke with David Smoak first due to the concern and frustrations of being told to stop construction on a prior approved site plan, and to seek guidance on the best resolution moving forward. Mr. Smoak was very helpful and arranged for homeowner to meet Mark Shipley and Darryl Smith onsite to review the circular drive work to-date and plans moving forward on Friday, May 29. Prior to this meeting, homeowner contacted the project architect and contractor to re-measure and paint markings onsite of all property setbacks, driveway measurements, and distance to the intersection for the circular drive to highlight compliance with codes. During the onsite meeting, homeowner was encouraged there might be an immediate resolution since neither Town of Farragut official observed an onsite problem with the circular drive as proposed meeting fundamental “efficiency and safety of a street” standards associated with ordinance policy. Unfortunately, Mr. Shipley reviewed the ordinance language upon returning to his office that same day, and emailed the homeowner he was unable to change the approval stoppage of the circular drive. He stated the variance request with the Planning Commission would be required.
- Since the circular drive stoppage in May, homeowner has been unable to complete exterior work on the home. While the Town of Farragut is working to assist with a temporary certificate of occupancy, the delay has created a project timing issue that is now requiring the homeowner to seek temporary housing since their Andover Place home sold “day one” of MLS listing, and requires them to move out in early July before the updated construction timeline will be completed
- Homeowner’s understanding is the Town of Farragut officials have remained neutral in their assessment of the circular drive; that is, not objecting to its usefulness on this property for purposes outlined herein, but unable to approve it officially apart from the Planning Commission variance process
- All events described above have added substantial stress, time, and costs to the homeowner, but we remain committed to do the right thing and work with the Town of Farragut to resolve this problem without compromising the process or code of ordinances standards and purposes

Property Description and Existing Conditions:

See attached photos of property frontages and existing conditions, KGIS Property Map and Details

- Corner lot, which fronts on Weathervane Drive and Monticello Drive
- No stop sign on Weathervane Drive, which includes high volume traffic from E. Fox Den leading to a right turn onto the property’s Monticello Drive frontage
- Two (2) front entries on Monticello Drive bringing vehicle parking for the property on the Monticello Drive street frontage

- Mature trees on corner of Weathervane and Monticello Drive poses concerns regarding line of sight restrictions as vehicles turn on Monticello Drive without a stop sign, if vehicles are parked on the street
- A long, downhill traffic pattern from E. Fox Den turn onto Weathervane Drive poses concerns about vehicle parking on street frontages of Weathervane Drive and Monticello Drive
- A garage-side driveway alone does not provide adequate parking off the street and poses a hazardous egress from the property since cars would be backing out onto Weathervane Drive traffic patterns with no approaching stop sign at the intersection of Weathervane and Monticello Drive
- Multiple alternative driveway options were considered but none accomplished the current circular drive site plan goals of safety, efficiency, and property aesthetics (and use of concrete)

Code of Ordinances – Supporting Information:

See attached Article 5. – Driveways and Other Access Ways with highlights where homeowner has looked for guidance and compliance with Code of Ordinances policy purposes

The following are existing Code of Ordinances provisions from Chapter 22 – Streets, Sidewalks and Other Public Places for the Town of Farragut, Tennessee that support the unique conditions of this corner lot when evaluated in-total (which is required by ordinances) and by individual street frontage (i.e. Monticello and Weathervane Drive) for the property. Homeowner contends the individual street frontage evaluation of both streets of the corner lot is important to ensure the best solution for all parties.

1. Article 5. Section 22-150. (2)a. *Number of Access Points* defines circular drives as two (2) driveways, **but provides circular drive provisions that permit the circular drive to be a safe alternative for certain properties otherwise restricted to one (1) access point**
 - a. Monticello Drive Frontage of this property: 154+ feet
 - b. Article 5. Street classification is: Local Streets*, 0-200 feet, 1 access point
 - c. Asterisk (*) in ordinance notates **circular drives are permitted on properties with less than 200 feet of road frontage provided the following criteria are met:**
 - i. The property is zoned residential and the street on which the property fronts is located within a residential subdivision;
 - ii. The maximum lot coverage in the front yard (area in front of the house): 35 percent;
 - iii. The maximum driveway width: 15 feet;
 - iv. The minimum distance between the driveways: 60 feet; and
 - v. The setback from the side property lines: A total on two sides of at least 40 feet, but not less than ten feet on any one side.
 - d. **Monticello Drive road frontage of this property and the proposed circular drive meet all five (5) of these criteria**
2. The proposed circular drive meets the Article 5. Section 22-150. (1)a.1. *Distance from Intersection* minimum requirement of 50 feet. The proposed circular drive is 77 feet from the intersection of Monticello and Weathervane Drive
3. The proposed non-circular drive street (i.e. Weathervane Drive) of this property provides additional support from Article 5. Section 22-150 that make the non-circular drive street of a corner lot a factor of consideration when the circular drive provision cited in 1. above is applied to a corner lot
 - a. Weathervane Drive Frontage of this property: 204+ feet

- b. Article 5. Street classification is: Local Streets, 201-800 feet, 2 access points
- c. Weathervane Drive frontage of this property will only have one (1) access point, but enough road frontage length to support two (2) access points
- 4. In total, this property's street frontage facts are:
 - a. Monticello and Weathervane Drives – total frontage of both streets as measured by ordinance for this property: 392 feet
 - b. Article 5. Street classification is: Local Streets, 201-800 feet, 2 access points
 - c. The above two facts (a. and b.) limit a further review of facts by individual street frontage that support the unique conditions of this corner lot property supporting a circular drive for the betterment of ordinance policy purposes
 - d. Street Frontage 1: Monticello Drive frontage of property (proposed circular drive): is less than 200 feet and meets the provisions to safely permit a circular drive by ordinance including distance from intersection requirements
 - i. **As currently permitted by ordinance, a two-driveway access point circular drive (by definition) is actually counted like (or as) a one-drive access point such that a property does not exceed the access point limits based on street frontage distance and classification.** For 11740 Weathervane Drive, the circular drive can be counted as one (1) access point because it complies with the above circular drive provisions. This is a helpful and important approach to a resolution since it 1- uses current ordinance language provisions for a circular drive already in place, and 2- preserves the total of access points on this property to two (2) when the circular drive is counted as one (1) with this provision and then added to the garage drive on Weathervane.
 - e. Street Frontage 2: Weathervane Drive frontage of property (proposed non-circular drive): is both greater than 200 feet and limits its access point to one (1)
 - i. The distance of the non-circular drive supports more access points than it utilizes (i.e. two, but only has one access point). It provides another unique condition of this property that establishes an additional fact that would be rare for other neighborhood corner lots. That is, the non-circular drive street frontage being greater than 200 feet.

Thus, not all corner lots will meet the Monticello or Weathervane Drive conditions on this property. For example, none of the three (3) neighboring lots at this intersection meet both of the independent street evaluations cited herein. In addition, other unique conditions of this property related to traffic patterns and safety advantages of additional off-street parking and ingress/egress make the circular drive at 11740 Weathervane Drive in the best interest of the Town of Farragut, Village Green, and the property homeowner and its visitors to the property.

Thank you for the time and consideration of this request and your review of all documents submitted in support of the proposed circular drive. The purpose of this summary is to provide a comprehensive perspective based on a set of verifiable facts of how the proposed circular drive works to meet the purposes of existing ordinances and preserves a high standard of facts to this end the Planning Commission can rely upon for any subsequent similar request.

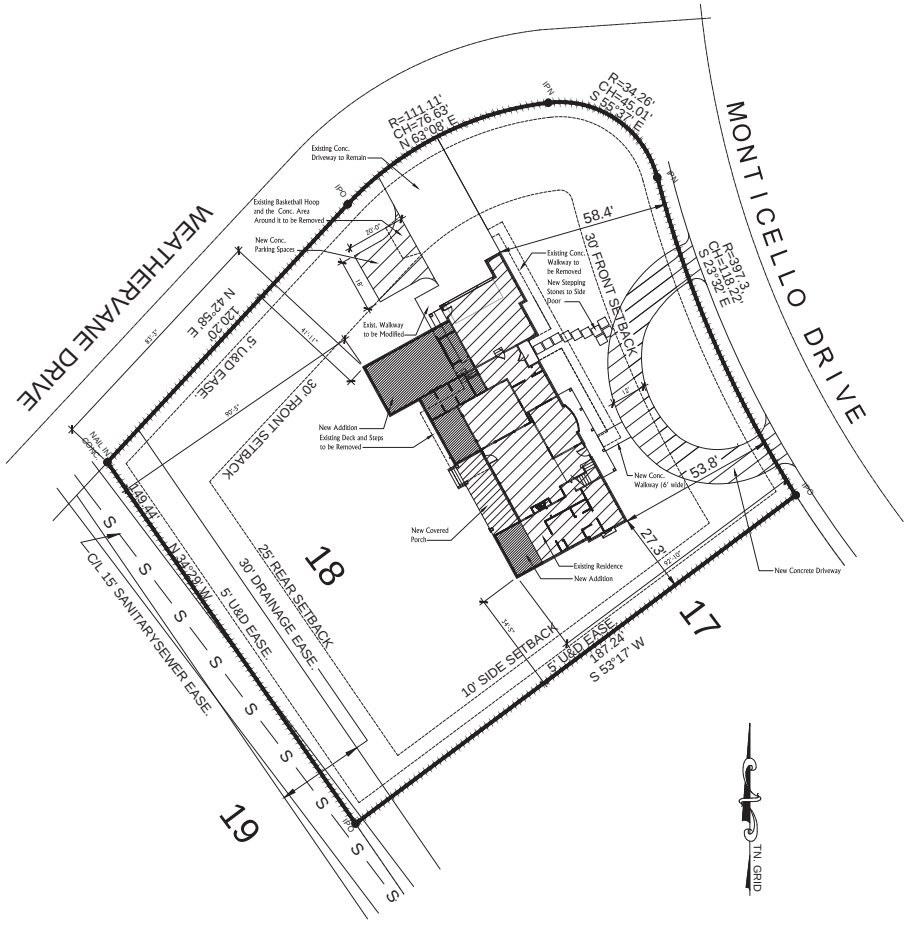
Attachments

Site Plan
(approved March 2019)

ABBREVIATIONS:		
#	AND	I.D.
AT	@	INC.
A.B.	ANCHOR BOLT	INSUL.
ACOUS.	ACOUSTICAL	INT.
ADJ.	ADJUSTABLE	IT.
A.F.F.	ABOVE FINISHED FLOOR	KIT.
AGGR.	AGGREGATE	L.
APPROX.	APPROXIMATE	LAM.
ARCH.	ARCHITECT	LAV.
AUX.	AUXILIARY	L.T.
BL	BOARD	MASONRY
BLOC.	BUILDING	MAX.
BLCK.	BLOCKING	M.C.
BN.	BULLNOSE	M.D.P.
BOT.	BOTTOM	MECH.
BSMT.	BASEMENT	MEN.
CAB.	CABINET	MIB.
CANT.	CANTILEVER	MISC.
CBM.	CEMENT	M.O.
CB.	CERAMIC	MTD.
CL	CENTERLINE	MTL.
CLG.	CEILING	MFR.
CLKG.	CAULKING	MIL.
CLO.	CLOSET	N.
C.O.	CASED OPENING	N.C.
COL.	COLUMN	NO. OF
CONC.	CONCRETE	NOM.
CONC.BLK.	CONCRETE BLOCK	N.T.S.
CONSTR.	CONSTRUCTION	O.C.
CONT.	CONTINUOUS	O.D.
CONTR.	CONTRACTOR	OPNG.
CORR.	CORRIDOR	P.
CP	CARPET	PART.
OPT.	CARPET TILE	PLAS.
C.T.	CERAMIC TILE	PNL.
CR.	CHAIR RAIL	PL.
CTR.	CENTER	P.LAM.
CV.	COVE	PLYWD.
D	DEPTH	PL.
DBL.	DOUBLE	P.T.
DEPT.	DEPARTMENT	PTR.
DIA.	DIAMETER	PTD.
DIM	DIMENSION	R.
DN	DOWN	RAD.
D.O.	DOOR OPENING	REF.
DWG.	DRAWINGS	RENO.
DWR.	DRAWER	REL.
D.W.	DRYWALL	REQ'D.
E.	EAST	RM.
EA.	EACH	R.O.
E.F.	EXHAUST FAN	S.
E.C.	ELECTRICAL CONTRACTOR	S.C.
E.I.	EXPANSION JOINT	SCHED.
ELEV.	ELEVATION	SECT.
ELIC.	ELECTRICAL	SH.
EMER.	EMERGENCY	SHN.
ENCL.	ENCLOSURE	SHT
E.P.	ELECTRICAL PANEL	SHT.MTL.
EQ.	EQUAL	SHR.
EQUIP.	EQUIPMENT	SHR.
EXP.	EXPANSION	SPEC.
EXT.	EXTERIOR	SQ.
EXST.	EXISTING	SQFT.
F.D.	FLOOR DRAIN	S.S.
FND.	FOUNDATION	STD.
FIN.	FINISH	STOR.
FL.	FLOOR	STRUC.
FLUOR.	FLUORESCENT	SYM.
F.O.C.	FACE OF CONCRETE	T.
F.O.F.	FACE OF FINISH	T&G
F.O.S.	FACE OF STUDS	T.B.
F.S.	FULL SIZE	TEL.
FT.	FOOT OR FEET	T.O.F.
FTG.	FOOTING	T.V.
FUB.	FURNING	TYP.
FUT.	FUTURE	UNLESS NOTED OTHERWISE
GA.	GAUGE	V.
G.C.	GENERAL CONTRACTOR	VAR.
GEN.	GENERAL	V.T.B.
G.I.	GALVANIZED IRON	VERT.
GL.	GLASS	W.
G.W.B.	CYPRESS WALL BOARD	W.
G.P.	CYPRESS	WC.
G.P.L.	CYPRESS LATH	W.MTD.
GND.	GROUND	WD.
H	HEIGHT	W.H.
H.B.	HOSE BIB	WIND.
H.C.	HOLLOW CORE	W/O
H.M.	HOLLOW METAL	W/P
HWR.	HARDWARE	WCT.
H.M.F.	HOLLOW METAL FRAME	WT.
HORIZ.	HORIZONTAL	W

GENERAL LAYOUT AND GRADING NOTES:

1. BASE INFORMATION IS TAKEN FROM THE SURVEY PREPARED BY STANLEY HINDS, HINDS SURVEYING CO., DATED JULY 1, 2017 AND PROVIDED BY OWNER, THE ARCHITECT, ANY OF THEIR CONSULTANTS, AND THE OWNER SHALL NOT BE HELD RESPONSIBLE FOR THE ACCURACY AND/OR COMPLETENESS OF THIS INFORMATION. PHYSICAL FEATURES TO BE DEMOLISHED, IF ANY, HAVE BEEN OMITTED FROM THE BASE FOR CLARITY.
2. THE SITE LAYOUT SHALL BE BASED ON THE SITE PLAN AS PROVIDED. MINOR ADJUSTMENTS TO THE LAYOUT MAY BE NECESSARY IN THE FIELD TO MAINTAIN EXISTING TREES AND TO ACHIEVE THE DESIRED ALIGNMENT WITH EXISTING FEATURES TO REMAIN, IF ANY. THE CONTRACTOR SHALL CONTACT THE ARCHITECT FOR APPROVAL PRIOR TO ADJUSTMENTS.
3. THE CONTRACTOR SHALL CHECK ALL GRADES AND FINAL DIMENSIONS ON THE GROUND AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY FOR A DECISION.
4. THE CONTRACTOR SHALL CONFORM TO ALL LOCAL CODES AND RECEIVE LOCAL APPROVAL WHERE NECESSARY PRIOR TO CONSTRUCTION. OWNER IS RESPONSIBLE FOR OBTAINING APPROVALS FROM LOCAL NEIGHBORHOOD AUTHORITIES, DESIGN REVIEW BOARDS OR ANY OTHER LOCAL AUTHORITY WHICH MAINTAINS JURISDICTION OVER CONSTRUCTION APPROVAL OR COMPLETION.
5. THE EXACT LOCATION OF EXISTING UTILITIES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO CONSTRUCTION COMMENCEMENT. CARE SHALL BE TAKEN TO PROTECT ANY UTILITIES THAT ARE TO REMAIN AND ALL CONSTRUCTION SHALL BE COORDINATED WITH THE APPROPRIATE UTILITY COMPANY. ANY DAMAGE OR RELOCATION SHALL BE ACCOMPLISHED PER LOCAL STANDARD. DAMAGE RELOCATION OR REPAIR SHALL BE AT THE CONTRACTOR'S EXPENSE.
6. MINOR GRAD ON ALL NEW PAVING SHALL BE 1.0% UNLESS OTHERWISE NOTED.
7. TRANSITION BETWEEN EXISTING PAVEMENT AND PROPOSED PAVEMENTS SHALL BE SMOOTH IN BOTH VERTICAL AND HORIZONTAL ALIGNMENT. FIELD ADJUSTMENT MAY BE NECESSARY.
8. THE CONTRACTOR SHALL CUT CLEAN EDGES ON EXISTING PAVEMENT AND PROVIDE SMOOTH TRANSITION INTO PROPOSED PAVEMENT. PROPOSED CURBS SHALL MEET EXISTING CURBS TANGENT TO THE EXISTING CURBS SHOWN.
9. ALL DIMENSIONS ARE TO THE FACE OF CURB OR FACE OF STUD OF THE BUILDING UNLESS OTHERWISE NOTED.
10. CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO MAINTAIN ALL EXISTING TREES, AND ALL EXISTING TREES OUTSIDE THE GRADING LIMITS.
11. LOCATION OF UTILITY CONNECTIONS ARE FOR SCHEMATIC PURPOSES ONLY AND BASED ON INFORMATION ILLUSTRATED ON THE OWNER PROVIDED SURVEY. CONTRACTOR TO ENSURE ALL PLACEMENT & UTILITY CONNECTIONS ARE IN COMPLIANCE WITH ALL LOCAL CODES & ORDINANCES.



SITE LAYOUT PLAN
SCALE: 1" = 20'-0"

ZONING INFORMATION:

DISTRICT NO. 6, TOWN OF FARRAGUT, COUNTY KNOX,
LOT NO. 18, BLOCK W, UNIT 9, VILLAGE GREEN S/D
ZONE : R-2

TOTAL LOT AREA:	32,449.2 SF
EXISTING RESIDENCE FOOTPRINT:	2,768.6 SF (8.53 %)
EXISTING COVERED PORCHES:	190.9 SF (0.58 %)
EXISTING CONC. DRIVEWAY	1,312.5 SF (4.04 %)
NEW ADDITIONS :	1,027.0 SF (3.16 %)
NEW COVERED PORCH:	283.0 SF (0.87 %)
NEW DRIVEWAY & WALKWAYS:	2,206.4 SF (6.79 %)

BUILDING AREA COVERAGE:	4,269.5 SF (13.14 %)
LOT COVERAGE:	3,518.9 SF (10.84 %)
TOTAL LOT COVERAGE :	23.98 %

5' UTILITY AND DRAINAGE EASEMENT INSIDE ALL INTERIOR LOT LINE AND 10' INSIDE EXTERIOR LOT LINES AND ROAD LINES.
15' SANITARY SEWER EASEMENT, 7.5 EACH SIDE OF SEWER LINE AS INSTALLED.



DATE: January 11, 2019
FILE NAME: Deeson_110
PROJECT NO: 2018-07
DRAWING TITLE:
Site Plan
Notes

REVISIONS:

Additions and Renovations for:
Deeson Residence
11740 Weatherwane Drive
Knoxville, Tennessee

SHEET NO.

a1.0

**Site Plan with Measurements
(showing ordinance compliance)**



Landscape Design Plan
**(showing circular drive use with front entries and
overall exterior site plan)**

GENERAL PLANTING NOTES

PLANT MATERIAL

All plant material planted shall be guaranteed by the Contractor for a minimum of six (6) months, and begins at the time of acceptance by the Designer or Owner. Any plant or sodding not found in a healthy growing condition at the end of the guarantee period shall be removed from the site and replaced within 10 days.

PROTECTION

Protection of Existing Structures: All existing buildings, walks, walls, paving, piping (and other items of construction) and plantings (trees, shrubs, ground covers, etc.) already completed or established shall be protected from damage by the Contractor. All damage resulting from negligence shall be repaired or replaced to the satisfaction of the Designer or Owner.

Protection of Existing Plant Materials: The Contractor shall be responsible for all unauthorized cutting or damage to existing trees, shrubs, and ground covers caused by operation of equipment, stockpiling of materials, careless labor, etc. This shall include compaction by driving or parking inside the drip-line of trees or the spilling of oil, gasoline, or other deleterious materials within the drip-line of trees.

MAINTENANCE

Plant Material Maintenance: All plants and planting included under the Contract shall be maintained by watering, cultivating, spraying, and all other operations necessary to ensure a healthy condition by the Contractor until accepted by the Designer.

Plant Grading: Plant species and size shall conform to those indicated on the drawings. Nomenclature shall conform to *Standardized Plant Names*, 1942 Edition. All plants not otherwise specified as being specimen, shall be excellent quality or better, as determined by the local plant industry. All plants shall be freshly dug, sound, healthy, vigorous, well branched and free of disease and insect eggs and larvae and shall have adequate root systems.

Planting Soil: Planting soil shall be fertile, friable without mixture of subsoil materials, and obtained from a well-drained, industry acceptable site. It shall be free from heavy clay, stones, lumps, plants, root or other foreign materials, or noxious grasses (such as Torpedo, Bermuda or nut grass) and noxious weeds. The PH range shall be 5.0 to 7.0 inclusive. Soil conditioner is to be mixed into soil as shown on planting details. All planting beds are to grade away from any structure or building to ensure proper drainage.

PLANTING PROCEDURES

Cleaning Up Before Commencing Work: The Contractor shall clean-up work and planting areas of all rubbish or objectionable matter and it shall be removed from the surface of all plant beds. These materials shall not be mixed with the soil. Should this Contractor find conditions beneath the soil which will in any way adversely affect the plant growth, he shall immediately call it to the attention of the Owner. Failure to do so before planting shall make the corrective measures the responsibility of this Contractor.

Obstruction Below Ground: Contractor is responsible for underground utilities verification. If underground construction, utilities or obstructions are encountered during the excavation of planting areas, or pits, alternate locations for the plant material shall be selected and approved by the Designer.

Plant Material Layout: It is suggested that Contractor stake tree or plant locations from the planting plans prior to digging pits, making any necessary adjustments.

Tree Guying and Bracing: Procedure shall be at the discretion of the Contractor in accordance with sound nursery practices and by the approval of Designer to insure stability and maintain plants in an upright position. See planting details for specific procedure for each plant requirement. Staking the trees is at the discretion of the Contractor, however any plants showing adverse growth at end of warranty period due to not staking will need to be replaced at Contractors cost.

Mulching: Provide a three (3) inch minimum layer of specified mulch over the entire area of each shrub bed, ground cover and vine bed or tree pit as otherwise specified.

Digging and Handling: Protect roots or balls of plants at all times from sun and drying winds, excess water and freezing, as necessary until planting. No plants moved with a ball shall be planted if the ball is cracked or broken. Watering: Water plants in thoroughly upon planting. Contractor is responsible for watering all plant material until project is complete.

LAWN SODDING

Work: Work consists of soil preparation, lawn bed preparation, and sodding complete, in strict accordance with the specifications and the applicable drawings, to produce a grass lawn acceptable to the Owner/Designer.

Soil Preparation: All areas that are to be sodded, shall be cleared of any rough grass, weeds, and debris, and the ground brought to a smooth and even grade.

Fertilizer: Fertilizer shall be a commercial type, 12-6-8, complying with local fertilizer laws and applied at a rate consistent with industry standards.

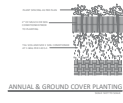
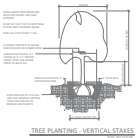
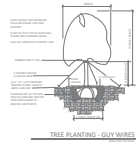
Sodding: The Contractor shall sod all the areas as designated on the drawings within the contract limits, unless specified otherwise. The sod shall meet all local specifications, absolutely true to variety type, and free from weeds, fungus, insects and disease of any kind. Each sod panel shall have sufficient root and soil base to assure proper sod growth. Sod panels shall be laid tightly together so as to make a solid sodded lawn area. Sod shall be laid uniformly against the edges of all buildings, paved and planted areas. Immediately following sod laying, the law areas shall be rolled with a lawn roller, and then thoroughly watered. After rolling it, in the opinion of the Designer, top-dressing and over-seeding may be necessary to fill the voids between the sod panels and to even out inconsistencies in the soil. For top-dressing, clean sand as approved by the Designer shall be uniformly spread over the entire surface of the sod and thoroughly watered in. During delivery, prior to and during the planting of the lawn areas, the sod panels shall at all times be protected from excessive drying and unnecessary exposure of the roots to the sun. Any sod damaged as noted shall not be used on the site.

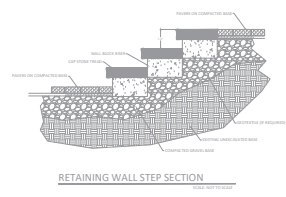
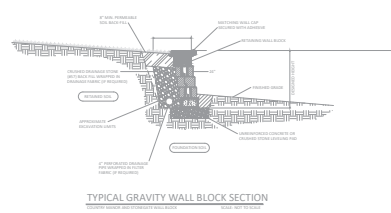
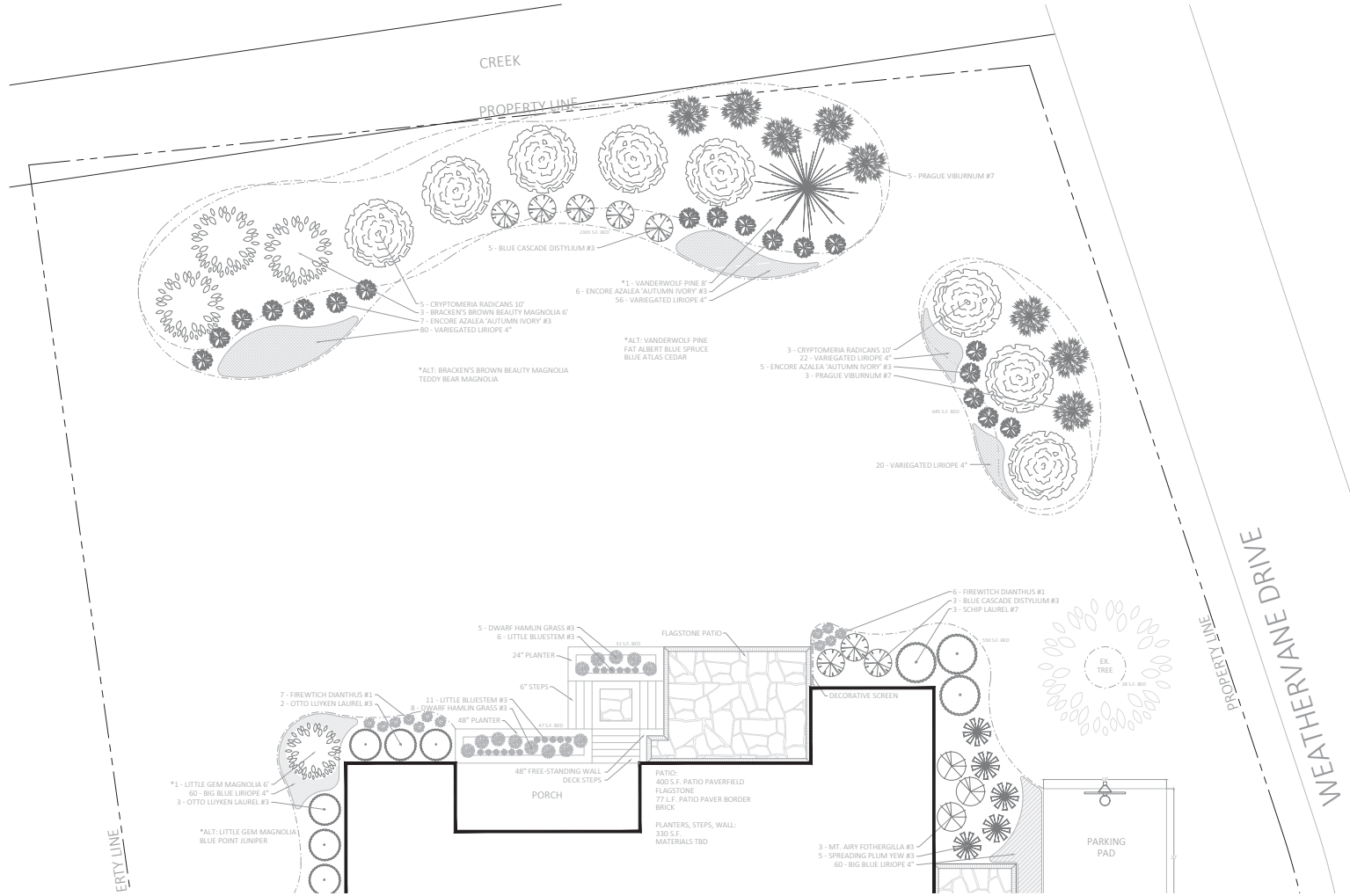
PLANTING DETAILS

Refer to drawings.

CLEAN UP

During Construction: Contractor is responsible for clean-up of all areas affected by construction. This includes roadways, driveways, parking lots, sidewalks, lawn and planting areas. No bulk materials to be stored on street unless approved by Owner. Any materials in roadways, driveways etc. shall be clearly visible with tape, cones etc. Any open holes left shall be filled with plywood or other safety device. All areas not constructed, planted or sodded shall receive grass seed and straw unless otherwise stipulated.





CAREX DESIGN GROUP
1000 WORLDS FAIR PARK DR.
KNOXVILLE, TN 37936
carexdesigngroup.com
865-765-5550

DEESON RESIDENCE
11740 WEATHERVANE DR, KNOXVILLE, TN 37934
LANDSCAPE PLAN

SCALE = 1/8" = 1'-0"

NO.	REVISION	DATE
1	CG	03/06/20
2	CG	03/06/20
3	CG	04/01/20

DATE: 03.06.20
DRAWN BY: CG

P-2

NOTE: DRAWING IS THE PROPERTY OF CAREX DESIGN GROUP AND CANNOT BE USED WITHOUT WRITTEN PERMISSION.

DRAINAGE MATERIAL

DRAINAGE MATERIAL

PROTECTION

Protection of Existing Plant Materials: The Contractor shall be responsible for all unauthorized cutting or damage to existing trees, shrubs, and ground covers caused by operation of equipment, stockpiling of materials, careless labor, etc. This shall include compaction by driving or parking inside the drip-line of trees or the spilling of oil, gasoline, or other deleterious materials within the drip-line of trees.

CONSTRUCTION

Workmanship: All operations shall be completed in a substantial and workmanlike manner. Drawings and details are to serve as a guide and shall be followed as closely as is practical, but minor on-site adjustments may be made. Contractor will maintain proper insurance (General Liability, Workman's Compensation, etc.) for the duration of this project.

Obstruction Below Ground: Contractor is responsible for underground utilities verification. If underground construction, utilities or obstructions are encountered during the excavation alternate design options shall be approved by the Designer. Some utilities (i.e. cable, invisible pet fence, drain lines, septic systems, etc.) will be the responsibility of the owner or representative to have all underground utilities clearly marked on work site prior to start date. If it is not done prior to starting date, any damage to the utilities mentioned above, but not limited to, will be the responsibility of the Owner or representative. A list of utilities marked can be obtained from Contractor.

Change Orders: All jobs are done as specified and any request for additional work or changes will require a signed Change Order. NO verbal agreements expressed or implied will be honored. All agreements must be in writing.

CONSTRUCTION DETAILS

CLEAN UP

PERMITS

Contractor is responsible for any permits required to complete project.



Photos:

Weathervane Drive Frontage

Monticello Drive Frontage

Circular Drive Existing Conditions



E. Fox Den turn onto Weathervane Drive



Backside of property: Weathervane Drive



Weathervane Drive approach to Monticello Drive right turn



Weathervane Drive corner, no stop sign,
mature trees



Weathervane Drive turn onto Monticello Drive



Monticello Drive right view of circular drive



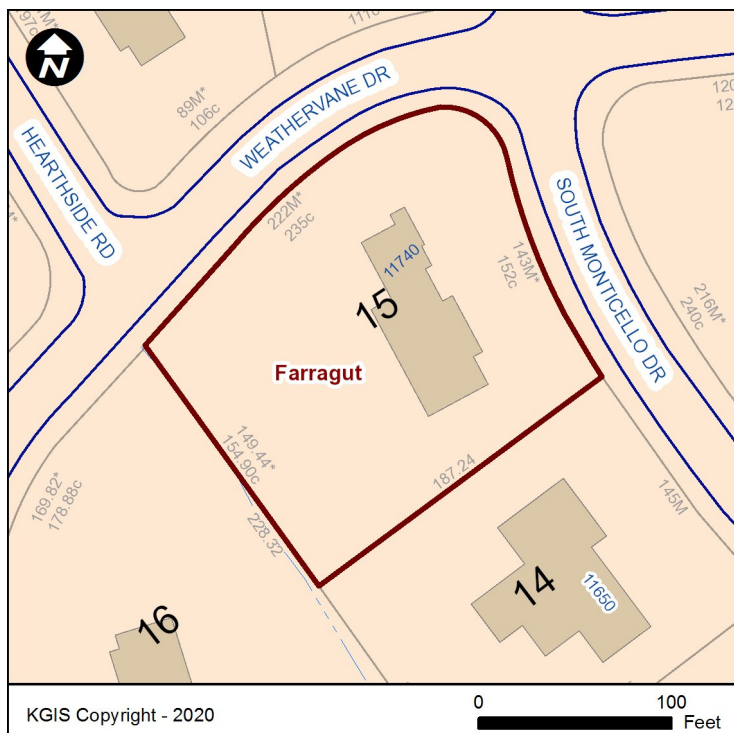
Monticello Drive left view of circular drive



Monticello Drive circular drive, front entry, friends entry

KGIS Map and Property Details

11740 WEATHERVANE DR - Property Map and Details Report



Property Information

Parcel ID:	142GB015
Location Address:	11740 WEATHERVANE DR
CLT Map:	142
Insert:	G
Group:	B
Condo Letter:	
Parcel:	15
Parcel Type:	
District:	FW
Ward:	
City Block:	
Subdivision:	VILLAGE GREEN UNIT 9
Rec. Acreage:	0
Calc. Acreage:	0
Recorded Plat:	61S - 8
Recorded Deed:	20170831 - 0014215
Deed Type:	Deed:Full Coven
Deed Date:	8/31/2017

Address Information

Site Address:	11740 WEATHERVANE DR KNOXVILLE - 37934
Address Type:	DWELLING, SINGLE-FAMILY
Site Name:	VILLAGE GREEN

Owner Information

DEESON JON DAVID & DEESON ALLISON
11740 WEATHERVANE DR
KNOXVILLE, TN 37934

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County:	KNOX COUNTY
City / Township:	Farragut

MPC Information

Census Tract:	58.09
Planning Sector:	Southwest County

Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts

Voting Precinct:	66N
Voting Location:	Farragut Middle School 200 WEST END AVE
TN State House:	14 Jason Zachary
TN State Senate:	7 Richard Briggs
County Commission:	5 John Schoonmaker
(at large seat 10)	Larsen Jay
(at large seat 11)	Justin Biggs
Farragut Aldermen:	1 Louise Povlin Scott Meyer
School Board:	5 Susan Horn

Please contact Knox County Election Commission at (865) 215-2480 if you have questions. For questions regarding Farragut districts please call the Township at (865) 966-7057.

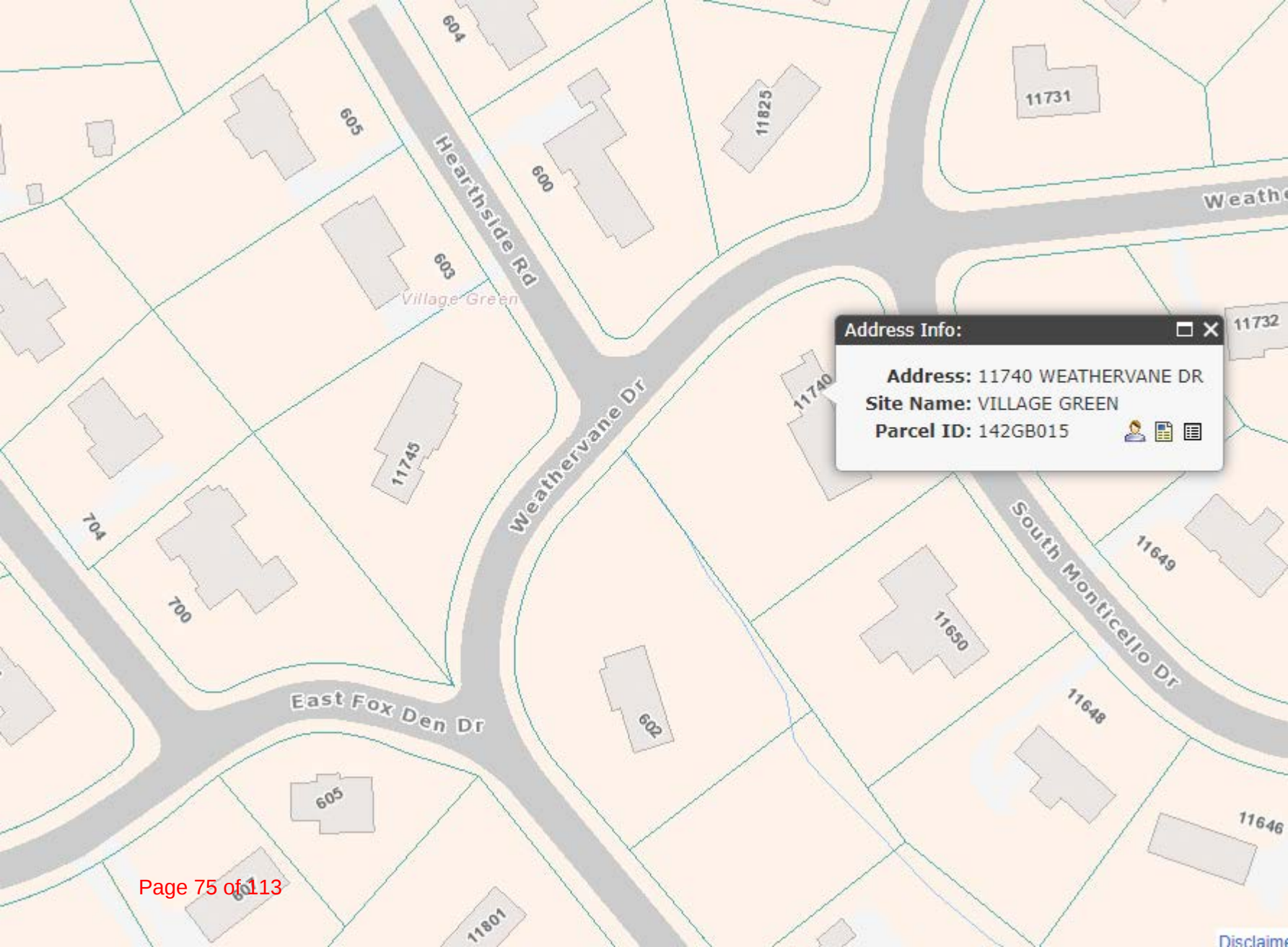
School Zones

Elementary:	FARRAGUT PRIMARY
Intermediate:	FARRAGUT INTERMEDIATE
Middle:	FARRAGUT MIDDLE
High:	FARRAGUT HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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Address Info: ☐

Address: 11740 WEATHERVANE DR
Site Name: VILLAGE GREEN
Parcel ID: 142GB015

Town of Farragut Code of Ordinances
Article 5
Driveways and Other Access Ways

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

ARTICLE 5. - DRIVEWAYS AND OTHER ACCESS WAYS

Sec. 22-145. - Policy.

The efficiency and safety of a street, road, or highway is greatly affected by vehicles entering, leaving, or crossing the roadway. Commercial, office, and residential developments are major contributors to increased volume of traffic upon municipal streets, roads, and highways. Such developments also give rise to increased traffic volume of a type and pattern characterized by frequent ingress and egress to the same. Therefore, such development significantly affects the efficiency and safety of streets, roads, or highways within the municipality. In the interests of safety, the town must regulate access to the streets, roads, and highways within its town limits in a uniform manner that is fair to the general public, land-owners, and developers.

(Code 2007, § 16-401; Ord. No. 96-30, 1-1997)

Sec. 22-146. - General provisions.

- (a) All access ways shall meet the minimum access requirements of this article or as determined by a traffic impact study.
- (b) The town municipal planning commission shall review access requests through the site plan review process and forward its recommendation to the board of mayor and aldermen.
- (c) The town 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 article or as determined by a traffic impact study.
- (d) The board of mayor and aldermen shall review access applications as provided in this article, except new roadway accesses to an existing public road created through the subdivision platting process.
- (e) Developments requiring the submittal of a site plan or a preliminary subdivision plat may require a traffic impact study.
- (f) The town 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.
- (g) State department of transportation access permits shall be the responsibility of the applicant.

(Code 2007, § 16-402; Ord. No. 96-30, 1-1997; [Ord. No. 14-18, § 2, 12-11-2014](#).)

Sec. 22-147. - Traffic impact study requirements.

(a) *Generally.*

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

24-Hour Trip Generation	Traffic Study Scope
0—750 ADT	Level I
750—6,000 ADT	Level II
> 6,000 ADT	Level III

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

- (2) Trip generation rates for proposed uses shall be calculated using the ITE Trip Generation Manual, 5th (or latest) edition.
 - (3) 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.
- (b) *Traffic impact study guidelines and procedures.*
- (1) 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 guidelines.
 - (2) The purpose of performing a traffic impact study, as defined by the institute of traffic engineers (ITE), is to:
 - a. Provide guidance for short term and long term planning of site access;
 - b. Provide guidance for on-site circulation and the interface between on-site circulation and off-site traffic;
 - c. Provide guidance for off-site improvements needed to permit the roadway system to function satisfactorily so as to accommodate site and non-site traffic;
 - d. Assist developers and land owners in making land use site planning decisions regarding traffic;
 - e. Identify the contribution a particular development makes to roadway system traffic volumes;
 - f. Provide a basis for estimating roadway improvement requirements attributable to a particular project;
 - g. Assess the compatibility with local transportation plans;
 - h. Enable staff to better evaluate zoning changes and development plans; and
 - i. Allow appointed and elected officials to know implications of their voting decisions.
- (c) *Scope of required traffic impact studies.* Three levels of study have been identified based on the number of trips that a development is projected to generate in a 24-hour period:
- (1) 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.
 - (2) 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.
 - (3) 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.
- (d) *Submission and review procedures for traffic impact studies.*
- (1) 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.
 - (2) 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

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

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.

- (3) 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.
- (4) Four copies of the completed draft traffic impact study shall be submitted along with the development application and all other materials required for submission.
- (5) 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 through three 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.

(e) *Required qualifications for preparers of traffic impact studies.* Traffic impact studies shall be prepared under the supervision of a qualified engineer who has specific training in traffic and transportation engineering and experience related to preparing traffic studies for existing or proposed developments. The study shall be signed and sealed by the supervising engineer. The ability to forecast and analyze traffic needs for both developments and roadway systems is essential. All design work implementing the recommendations of the traffic impact study shall be completed under the supervision of a registered professional engineer.

(f) *Required specifications for traffic impact studies.*

(1) *Report requirements: Level I studies.*

a. *Intersection.*

1. Description of site including a location map.
2. Type of project.
 - (i) If residential, number and type of units.
 - (ii) If commercial or office, include square footage and occupancy.
3. Site plan with access points shown to scale.

b. *Existing conditions.*

1. Distance from nearest intersection in both directions.
2. Distance to nearest drive or access points in both directions.
3. Location shown relative to opposing street, driveways, or access points.

c. *Proposed conditions.*

1. Width, radius, and markings of proposed street, driveway, or access point.
2. Proposed improvements adjacent to access point, including, but not limited to, acceleration, deceleration lanes, and pavement marking adjustments.

(2) *Report requirements: Level II studies.*

a. *Introduction.*

1. Description of site including a location map.
2. Type of project.

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

- (i) If residential, number and type of dwelling units.
 - (ii) If commercial or office, square footage and type of occupancy.
- 3. Map of project with proposed access points shown.
- b. *Existing conditions.*
 - 1. Directional traffic counts on roads adjacent to property with access to development: Traffic counts should be no more than one year old.
 - 2. Level of service of intersections (if applicable):
 - (i) Highway capacity software is recommended.
 - (ii) Other nationally recognized software can be used.
- c. *Trip generation rates.*
 - 1. Listing of trip generation rates.
 - 2. Listing of sources for rates used.
 - (i) ITE 5th Edition of Trip Generation or latest edition.
 - (ii) If the type of proposed development is not addressed in the ITE manual, then other rates may be used as long as they are documented and have been approved by engineering staff.
 - 3. Calculation of trip ends by type of generator.
 - (i) Traffic generated by phase.
 - (ii) 100 percent occupancy and development.
- d. *Trip distribution.*
 - 1. Assumptions as to the directional distribution of traffic to and from the development.
 - 2. Assumptions as to the peak hour percentages.
 - 3. Assumptions as to the peak hour directional splits.
 - 4. Assumptions as to the pass-by trips, if applicable, must be approved by engineering staff.
- e. *Analysis.*
 - 1. Level of service (LOS) and capacity analysis for peak periods.
 - (i) Compute the projected LOS and capacity analysis for each access point and control point to the adjacent road system based on the development by phase.
 - A. Highway capacity software is recommended.
 - B. Other nationally recognized software can be used.
 - (ii) Compare LOS before development to LOS after development if applicable.
 - (iii) Link analysis if applicable.
 - 2. Intersection and roadway geometry; existing and proposed.
 - (i) Distances from existing streets, driveways, and/or median cuts.
 - (ii) Alignment with existing streets, driveways, and/or median cuts.
 - (iii) Intersection layouts.
 - (iv) Sight distance.
 - (v) Right-of-way width.
 - (vi) Lane width.
 - 3. Site circulation.

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

4. Pedestrian facilities.
 - (i) Sidewalks.
 - (ii) Transit stops.
 - (iii) School bus stops.
- f. *Recommendations.*
 1. Site access.
 2. Intersection improvements.
 - (i) Traffic control devices: modify existing or need for new.
 - (ii) Left and/or right turn lanes.
 - (iii) Acceleration and/or deceleration lanes.
 - (iv) Length of storage bays.
 3. Off-site improvements.
 - (i) Modification to existing traffic control devices.
 - (ii) Additional traffic control devices.
 - (iii) Additional lanes at major intersections.
 - (iv) Additional roads.
 4. Improvements by phasing (if applicable).
- g. *Appendix.*
 1. Raw traffic count data.
 2. Documentation of analysis.
- (3) *Report requirements: Level III studies.* In addition to the preceding information for Level I and II, the following information on trip assignment shall be provided in the report prior to the analysis and recommendation section:

Trip assignment.

 1. Show existing ADTs, proposed development traffic, and total traffic for all affected links on map which identifies the project and surrounding roads.
 2. Show a.m. and p.m. peak hour turning movements for the existing traffic, the proposed development traffic, and the combined traffic at all project entrance intersections, and effected intersections within the study area.
 3. Discuss the effects of phasing of the proposed project.
- (g) *Additional information.* Additional information on traffic impact studies can be obtained from Traffic Access and Impact Studies for Site Development: A Recommended Practice by the Institute of Transportation Engineers.

(Code 2007, § 16-403; Ord. No. 96-30, 1-1997; [Ord. No. 14-18, § 3, 12-11-2014](#).)

Sec. 22-148. - Permit required.

- (a) No driveway or other means of access to any right-of-way of any road, street, or highway within the limits of the town shall be constructed nor shall any existing driveway or other means of access be altered except pursuant to a permit issued by the town. The submission of an access permit application shall be required.
- (b) For minor revisions to existing drives and residential drives onto non-local streets, an application for an access permit shall be accompanied by four copies of a plan of access which shall as a minimum, consist

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

of clear drawings or a sketch showing the general layout and dimensions necessary to prove compliance with this article, and a brief description of the proposed use of the property.

- (c) For residential drives onto local streets, an application for an access permit shall be accompanied with the building permit and shown on the required site plan.

(Code 2007, § 16-404; Ord. No. 96-30, 1-1997)

Sec. 22-149. - Permit approval.

- (a) The planning commission and the board of mayor and aldermen shall review applications for access for all developments requiring the submittal of a site plan and residential drives onto non-local streets. Minor revisions to existing drives shall be reviewed by engineering staff.
- (b) The planning commission, the board of mayor and alderman, and town staff shall review applications for access for compliance with the requirements of this article. The planning commission, the board of mayor and alderman, or the town staff may require such revisions, corrections, and additions to the plans of access and such additional supporting documentation of the plan of access as may be reasonable considering the locations of proposed and existing access, the traffic impact study if required, and considerations of public safety and welfare. All revisions, corrections, and additions required shall be recorded on a final copy of a subdivision plat, site plan, or "drawing or sketch" of the access requested for approval before issuance of a permit.
- (c) An access permit shall be secured before issuance of a building permit.
- (d) No final certificate of occupancy or certificate of completion shall be issued until all applicable access control requirements as outlined in this article and other requirements of the individual access permit have been completed.

(Code 2007, § 16-405; Ord. No. 96-30, 1-1997)

Sec. 22-150. - Specifications; permanent access.

The following constitutes minimum specifications for access to streets, roads, and highways within the town and additional reasonable specifications may be imposed as required for public safety. Such additional specifications shall be required upon recommendation of the town engineer, his designee, or the planning commission and approval by the board of mayor and aldermen.

(1) *Distance requirements.*

a. *Distance from intersections.*

1. The minimum distance of an access point from an intersection, measured from intersecting right-of-way to the edge of the driveway pavement, shall be as follows:

Street Classification	Minimum Distance
Arterial streets	400 feet
Collector streets	200 feet
Local streets ¹	100 feet
Local Streets ²	50 feet

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

Note:

¹ Denotes commercial and office zoned properties.

² Denotes residential and agricultural zoned properties.

2. Access shall be located and constructed so as to provide adequate stopping sight distance for drivers entering and exiting the property using a design speed of ten miles above the legal speed limit as determined by the town engineer or his designee in accordance with current AASHTO (A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials) and adopted ITE (Institute of Traffic Engineers) standards.

- b. *Distance between driveways.* For the following street classifications, the following requirements specify the minimum allowed distances between driveways ¹:

Street classification	Distance between driveways
Arterial streets	400 feet
Collector streets	200 feet
Local streets ²	100 feet

Note:

¹ Town may require joint permanent access easements to minimize the number of curb cuts.

² Residential properties are exempt from local street requirement for the distance between driveways.

- c. *Joint permanent access easements.* Controlled access to a joint permanent access easement shall be maintained for a minimum length of 40 feet perpendicular from the right-of-way or as determined by the traffic impact study.
- (2) *Access to and from property being developed.*
- a. **Number of access points.** The number of access points of a property shall be determined by its road frontage. Lots which front on more than one street shall add total street frontage lengths together to determine total road frontage to calculate the number of driveways permitted. Circular drives shall be considered as two driveways.

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

Street classification	Length of road frontage	Number of access points
Arterial streets	0—400 feet	1
Arterial streets	401—800 feet	2
Collector streets	0—200 feet	1
Collector streets	201—800 feet	2
Local streets*	0—200 feet	1
Local streets	201—800 feet	2
All streets	801 feet and above	2 + 1/each 800 feet of additional road frontage

Circular drives shall be permitted to property with less than 200 feet of road frontage provided the following criteria are met:

- (i) The property is zoned residential and the street on which the property fronts is located within a residential subdivision;
- (ii) The maximum lot coverage in the front yard (area in front of the house): 35 percent;
- (iii) The maximum driveway width: 15 feet;
- (iv) The minimum distance between the driveways: 60 feet; and
- (v) The setback from the side property lines: A total on two sides of at least 40 feet, but not less than ten feet on any one side.

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

- b. *Pavement or surface width of access points.* The pavement or surface width of all access points on and within the right-of-way of any road, street, or highway shall be within the minimum and maximum limits (excluding turn radius) specified as follows:

	Minimum	Maximum
Residential (single-family, duplex and quadraplex) driveway	12 feet	25 feet
One-way other than residential driveway	15 feet	26 feet
Two-way other than residential driveway	25 feet	36 feet

Roads with median shall be considered two one-way streets.

24 feet maximum for two-way access.

36 feet maximum for two-way access and center turn lane for left turns.

- (3) *Paved acceleration and deceleration lane requirement.* Paved acceleration and deceleration lanes may be required along any arterial or collector street or highway at the determination of the board of mayor and alderman upon the recommendation of the town engineer or his designee.
- (4) *Circulation drives and frontage roads.* Circulation drives (drives which interconnect all lot access points with all vehicle parking, loading, servicing, and like areas and structures) and frontage roads (roads which parallel the public streets giving access and which extend along the entire frontage of a particular property) shall be constructed in order to provide safe and efficient vehicular movement between specified access points as specified in subsection (2) of this section. The location, width, and design of all circulation drives and frontage roads shall be approved by the board of mayor and aldermen upon recommendation of the town engineer or his designee. All frontage roads shall be dedicated as public streets and shall be maintained by the public.
- (5) *Subdivision standards for circulation drives and frontage roads.* Frontage roads and circulation drives shall be constructed in conformance with the subdivision regulations standards. Dedicated right-of-way for frontage roads shall be ten feet greater than the width of the newly constructed frontage road. All circulation drives shall be clearly defined and marked appropriately to assist public circulation into, on, and out of the property and through parking lot areas.

(Code 2007, § 16-406; Ord. No. 96-30, 1-1997; Ord. No. 09-14, § 1, 8-27-2009)

Sec. 22-151. - Access to two or more roads, streets, or highways.

In the event a parcel of land abuts and lies adjacent to two or more separate roads, streets, or highways, the board of mayor and alderman may limit or prohibit access to one or more such roads (provided that access to at least one such road shall always be permitted) if the safety and welfare of the public will be promoted by so doing. In so limiting or prohibiting access, consideration shall be first given to limiting or prohibiting access to the more heavily traveled abutting or adjacent road, street, or highway. Any party aggrieved by any action taken

CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE

under the provisions of this section shall have the burden of establishing that such action taken does not promote the safety and welfare of the public.

(Code 2007, § 16-407; Ord. No. 96-30, 1-1997)

Sec. 22-152. - Variance.

Notwithstanding anything contained herein to the contrary, the board of mayor and aldermen may grant approval for access and/or frontage roads other than as specifically herein permitted, provided such an access is reviewed with a recommendation by the town engineer or his designee and the planning commission.

(Code 2007, § 16-408; Ord. No. 96-30, 1-1997)

Sec. 22-153. - Temporary access.

- (a) Temporary access ways may be granted by the board of mayor and alderman upon review with a recommendation by the town engineer or his designee and the planning commission at locations other than specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall cease to exist at such time that any other means of access to a property occurs which more nearly conforms to the requirements of this article.
- (b) Temporary construction access ways may be granted by the town engineer or his designee to facilitate construction. The length of time shall be based on the duration of the grading permit.

(Code 2007, § 16-410; Ord. No. 96-30, 1-1997)

Sec. 22-154. - Appeals.

- (a) An appeal from adverse determinations on any application for an access permit shall be to the board of mayor and aldermen. Any party aggrieved or refused issuance of an access permit shall notify in writing the town recorder of applicant's desire to appeal the action taken. Such notice shall be given within 30 days of denial of the permit.
- (b) Upon receipt of notice of appeal the town recorder shall place the appeal for consideration before the board of mayor and aldermen within 30 days of receipt of notice of appeal. The town engineer or his designee shall appear at such scheduled meeting, and the applicant may appear, to present the matter to the board of mayor and aldermen. The determination by the board of mayor and aldermen is administratively final.

(Code 2007, § 16-411; Ord. No. 96-30, 1-1997)

Secs. 22-155—22-176. - Reserved.

AGENDA NUMBER: VI.B.MEETING DATE: August 13, 2020

REPORT TO THE BOARD OF MAYOR AND ALDERMEN
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PREPARED BY: William E. McKelvey, Public Works Director**SUBJECT:** Approval of Bid for one (1) 2019 Case Skid Steer Compact Loader TV450

INTRODUCTION: The purpose of this agenda item is to approve the purchase of one (1) 2019 Case Skid Steer Compact Loader TV450.

BACKGROUND: The Public Works Department has budgeted for the replacement of the 2006 Case Skid Steer Loader. The replacement equipment, a new 2019 TV450 tract mounted unit, is more versatile and smoother to operate, while the tract mounting feature eliminates the need for replacing damaged tires. Staff would be able to keep all of the current skid steer attachments for the new unit.

DISCUSSION: Attached is the pricing for a 2019 Case TV450 tract mounted unit from Contractor's Machinery through Source Well for \$72,500.00.

FINANCIAL SECTION:

Account Number: 314-43949-949

<u>Total Budget</u>	<u>Requested Amount</u>	<u>Expenditures to Date:</u>	<u>Remaining Amount</u>
\$223,000	\$72,500	\$142,522.01	\$7,977.99

Approved By: A. Myers**RECOMMENDATION BY:** Bud McKelvey, Public Works Director, for approval.

PROPOSED MOTION: Approval of the purchase of a 2019 Case Skid Steer Compact Loader TV450 from **Contractor's Machinery in the amount of \$72,500.**

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE / TOTAL</u>	Williams	Povlin	Pinchok	Meyer	Burnette
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

CASE Compact Track Loaders

CONSTRUCTION

ALPHA SERIES



RADIAL | TR270 | TR310 | TR340 | VERTICAL | TV370 | TV380 | TV450

SINCE 1842



TR270



TR310



TR340



TV370



TV380



TV450

Powerful, Comfortable, Maneuverable, Versatile

CASE Alpha Series loaders are designed to work.

- + Industry-leading breakout force, torque and hydraulic flow
- + Best-in-class visibility

- + Speed and controls customization with EZ-EH controls
- + Maintenance-free Tier 4 Final Solutions
- + Large cab for operator comfort



ENGINE

Model	FPT F5B FL413 D*CO01
Emissions Certification	Tier 4 Final
Type	Diesel 4-stroke, Turbo, D.I.
Cylinders	4
Bore/Stroke	3.9 x 4.3 in (99 x 110 mm)
Displacement	207 in ³ (3.4 L)
Fuel injection	Direct, high pressure common rail – HPCR
Fuel	#2 Diesel
Fuel filter:	
Pre-filter	Beta (30) = 200/spin-on
Main filter	Beta (4) = 20/spin-on
Air intake	Turbocharged w/ waste gate and external cooled EGR
Exhaust aftertreatment	Selective Catalytic Reduction (SCR)
Cooling	Liquid
Engine speeds	RPM
High idle – no load	2500 +/- 25
Rated – full load	2500
Low idle	1150 +/- 25
Horsepower @ 2500 RPM – SAE J1349:	
Gross	90 hp (67 kW)
Net	84 hp (63 kW)
Peak torque @ 1400 RPM	282 lb-ft (383 N-m)
Radiator:	
Core type	Aluminum bar and plate
Core size area	319 in ² (0.206 m ²)
Rows of tubes x columns	21 rows
Cap pressure	16 +/- 2 psi (1.10 +/- 0.14 bar)
Fan:	
Diameter	22 in (560 mm)
Ratio	0.96:1 standard, 1.1:1 high-flow
Water pump:	
Style	Centrifugal
Flow	47.8 gpm (181 L/min)
Engine lubrication pump:	
Rotor pump w/ deep sump pan, plate cooler and pressurized under-piston nozzles	
Pump operating angle ratings:	
Side to side	45°
Bucket up	35°
Bucket Down	45°

LIFT GEOMETRY

Vertical Lift

DRIVETRAIN

Drive pump controls	Servo-assist mechanical
Pump to engine ratio	1:1
Displacement	2.81 in ³ (46 cm ³)
Flow @ rated engine RPM:	
@ 97% efficiency	29.4 gpm (111 L/min)
Charge pressure	360 psi (24.5 bar)
System relief pressure	5,220 psi (360 bar)
Drive pump controls	Electro-hydraulic
Pump to engine ratio	1:1
Displacement	2.75 in ³ (45 cm ³)
Flow @ rated engine RPM:	
@ 97% efficiency	28.8 gpm (109 L/min)
Charge pressure	362 psi (24.5 bar)
System relief pressure	5,220 psi (360 bar)
Drive motors:	
Max. displacement	3.10 in ³ (50.9 cm ³)
Displacement – optional:	
High speed	2.02 in ³ (33.1 cm ³)
Motor RPM @ high idle and 97% efficiency:	
2-speed	156
Motor torque @ max. displacement and relief pressure, calculated @ 5,220 psi (360 bar):	4,654 lb-ft (6 310 N-m)
Travel speed:	
Low range	5.5 mph (8.9 kph)
High range	8.0 mph (12.9 kph)
Final drive:	
Planetary gearbox w/ 2-speed motor	
Tractive effort	7,414 lb (3 370 kg)
Parking brake:	
Type	Spring-applied, hydraulic release multiple disc.
Engagement	Depress on/off brake button on handle or instrument panel, raise seat bar, get off seat or stop engine.

ELECTRICAL

Alternator	160 amp
Starter	4.29 hp (3.2 kW)
Battery	12-volt low-maintenance 1,000 cold-cranking amps @ 0° F (-18° C°)

OPERATOR ENVIRONMENT

ROPS/FOPS Level 1 canopy w/ side screens;
Keyed start ignition; Tilt ROPS/FOPS; Rear
window w/ emergency escape; Suspension Seat,
vinyl w/ 2 in (51 mm) retractable 3 point lap seat
belt; Hand and foot throttles; Alarm package –
back-up and horn; Rearview mirror; Headliner;
Dome Light; Top window; Cup holder; 12V Power
plug socket; Foot rest; Seat pocket; Padded seat
bar w/ integral armrests; Loader control lockout
system; Electric parking brake control; Operator's
compartment floor cleanout; Proportional

auxiliary hydraulic control – on joystick; Advanced
Instrument Cluster w/ digital hour meter,
tachometer, Fuel level LCD bar graph w/ alarm,
diagnostic features and security lockout.

Warning lights with alarms:

Engine coolant temperature; Engine oil pressure;
Engine malfunction; Hydraulic charge pressure;
Hydraulic filter restriction; Hydraulic oil
temperature; Critical system stop, Engine
system, Hydraulic system, Electrical and
diagnostic system.

Warning alarms:

Battery voltage – plus display; Oil service.

Indicator light:

Engine preheat; Parking brake;
Seat bar reminder.

OPERATING WEIGHT

Unit equipped w/ open cab; 165 lb operator;
78 in Heavy Duty bucket; full of fuel:

10,610 lb (4 823 kg)

Shipping weight 10,267 lb (4 667 kg)

Add-on weights:

Side cab glass	47 lb (21.3 kg)
Polycarbonate cab door	75 lb (34.0 kg)
Glass cab door w/ wiper	75 lb (34.0 kg)
Suspension seat	22 lb (10.0 kg)
Additional counterweight	600 lb (273 kg)

HYDRAULICS

Implement pump type	Gear
Displacement:	
Standard aux.	2.23 in ³ (36.6 cm ³)
High-flow aux.	1.42 in ³ (23.3 cm ³)
Standard flow @ rated engine RPM:	
@ 100% efficiency	24.2 gpm (91.5 L/min)
Optional high-flow @ rated engine RPM:	
@ 100% efficiency	39.5 gpm (149 L/min)
Enhanced high-flow @ rated engine RPM:	
@ 100% efficiency	35.0 gpm (132.5 L/min)
Loader control valve:	
Type	3 spool/open center/series - series
Relief pressure	3,450 psi (238 bar)
Port relief pressures:	
Loader raise	3,625 psi (250 bar)
Bucket curl	3,916 psi (270 bar)
Bucket dump	3,625 psi (250 bar)

Hydraulic lines:

Tubing	ORFS + 37° JIC Flare
Loop hoses	SAE 100 R19

Hydraulic oil cooler:

Number of fins	10 per inch (3.94 per cm)
Number of tube rows x columns	9 bar/plate
Area	138.7 in ² (890 cm ²)

Hydraulic filter Beta (4) = 75/spin-on

HYDRAULICS CONT.

Lift cylinders:	
Bore diameter	2.75 in (69.85 mm)
Rod diameter	1.75 in (44.5 mm)
Stroke	35.7 in (908 mm)
Closed length	53.9 in (1 369 mm)

Bucket cylinders:	
Bore diameter	3.0 in (76.2 mm)
Rod diameter	1.5 in (38.1 mm)
Stroke	15.9 in (405 mm)
Closed length	24.3 in (617.0 mm)

SERVICE CAPACITIES

Fuel Tank	25.5 gal (96.5 L)
Engine oil w/ filter	8.9 qt (8.5 L)
Hydraulic system:	
Reservoir	6.0 gal (22.7 L)
Total	11.9 gal (45.4 L)

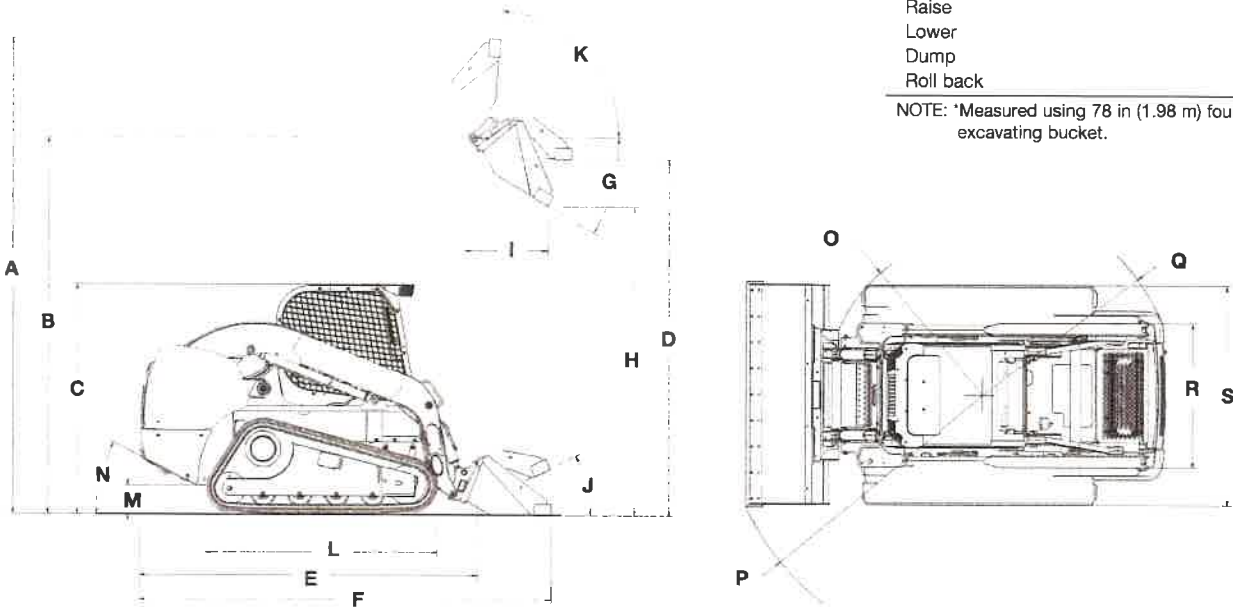
PERFORMANCE SPECS

Rated operating capacity – ROC*:	
35% of tipping load	3,150 lb (1 432 kg)
50% of tipping load	4,500 lb (2 045 kg)
w/ additional counterweight	4,700 lb (2 135 kg)
Tipping load*	9,000 lb (4 091 kg)

Breakout forces @ 3,150 psi (217 bar)*:	
Bucket Cylinders	9,188 lb (41.8 kN)
Lift cylinders – hydraulic limit	7,773 lb (35.3 kN)

Cycle times:	
Raise	5.1 sec
Lower	3.5 sec
Dump	2.7 sec
Roll back	2.0 sec

NOTE: *Measured using 78 in (1.98 m) foundry/excavating bucket.



Line drawings are for illustrative purpose only and may not be exact representation of unit.

DIMENSIONS

A. Overall operating height:	
with foundry/excavating bucket	160.9 in (4.09 m)
with heavy duty bucket	165.1 in (4.19 m)
with low profile extended bucket	169.9 in (4.32 m)
Height to:	
B. Bucket hinge pin	131.6 in (3.34 m)
C. Top of ROPS	80.4 in (2.04 m)
D. Bottom of level bucket, fully raised	123.2 in (3.13 m)
Overall length:	
E. without attachment with coupler	120.2 in (3.05 m)
F. with foundry/excavating bucket on ground	144.6 in (3.67 m)
with heavy duty bucket	148.8 in (3.78 m)
with low profile extended bucket	153.7 in (3.90 m)
G. Maximum dump angle	45.3°
H. Dump height:	
with foundry/excavating bucket	101.9 in (2.59 m) @ 45.0°
with heavy duty bucket	98.9 in (2.51 m) @ 45.0°
I. Dump reach at maximum height with low profile extended bucket	35.5 in (0.90 m) @ 45.0°
Maximum attachment rollback:	
J. Bucket on ground	31.0°
K. Bucket at full height	83.1°
L. Track on ground	64.5 in (1.64 m)
M. Ground clearance – bottom of belly pan	9.5 in (0.24 m)
N. Angle of departure	32.0°
Clearance circle:	
O. without bucket	57.7 in (1.47 m)
P. with 78 in (1.98 m) foundry/excavating bucket on ground	88.0 in (2.23 m)
Q. Clearance circle rear	67.9 in (1.73 m)
R. Track gauge	58.3 in (1.48 m)
S. Over the track width	76.0 in (1.93 m)

TRACK SELECTION

Type	Area	Ground Pressure	Width to Outside Track
17.7 in (450 mm)	2,286 in ² (1.48 m ²)	4.6 psi (31.7 kPa)	76 in (1.93 m)

OPTIONAL BUCKETS

Type	Width	Weight	Heaped Capacity
Dirt & Foundry	78 in (1.98 m)	440 lb (200 kg)	17.7 ft ³ (0.50 m ³)
Low Profile Extended	78 in (1.98 m) 84 in (2.13 m)	540 lb (245 kg) 575 lb (262 kg)	19.1 ft ³ (0.54 m ³) 20.5 ft ³ (0.58 m ³)
Light Material	84 in (2.13 m)	540 lb (245 kg)	27.5 ft ³ (0.78 m ³)
Manure & Slurry	84 in (2.13 m)	545 lb (248 kg)	22.6 ft ³ (0.64 m ³)
Heavy-Duty	78 in (1.98 m)	530 lb (240 kg)	15.5 ft ³ (0.44 m ³)
Heavy-Duty with spillguard	78 in (1.98 m)	605 lb (275 kg)	19.8 ft ³ (0.56 m ³)
Heavy-Duty Extended with SmartFit teeth	78 in (1.98 m) 84 in (2.13 m)	697 lb (316 kg) 728 lb (330 kg)	17.4 ft ³ (0.49 m ³) 20.5 ft ³ (0.58 m ³)

STANDARD EQUIPMENT

OPERATOR ENVIRONMENT

See page 1

ENGINE

FPT F5B FL413 D*C001
 207 CID (3.4 L) Turbo
 Tier 4 Final Certified
 Selective Catalytic Reduction (SCR)
 High Pressure Common Rail (HPCR)
 fuel injection
 Horsepower:
 Gross: 90 hp (67 kW)
 Net: 84 hp (63 kW)
 Peak torque: 282 lb-ft (383 N-m)
 160 amp alternator
 Dual element air cleaner
 Organic Acid Technology (OAT)
 Anti-freeze solution to -34° F
 Fuel tank - 25.5 gal (U.S.)
 Over and under radiator and oil cooler
 3-stack after cooler/radiator/oil
 cooler configuration
 Glow plugs
 Integral engine oil cooler
 Fuel filter with water trap
 1,000 CCA 12V battery
 Master electrical disconnect
 Jump start terminal

DRIVETRAIN

2-speed hydrostatic four wheel drive
 SAHR disc parking brake

HYDRAULICS

Auxiliary hydraulics:
 @ 3,450 psi (238 bar) – 24.2 gpm
 (91.5 L/min)
 6 micron oil filtration system
 3-spool loader control valve
 Auxiliary hydraulic disconnects, ISO
 flat-face – connect-under-pressure
 with case drain
 Hydraulic circuit pedal lock
 Auxiliary function lockout override
 Loader lift lockout override
 Heavy-duty hydraulic oil cooler
 Loader arm float position
 Loader function lockout system

LOADER

Manual attachment coupler
 Vertical lift geometry
 Loader lift arm support strut
 SAE operating load: 3,150 lbs
 Tipping load: 9,000 lbs

TRACKS

Rubber Tracks

OTHER STANDARD FEATURES

Halogen lights - 2 front, 2 side, 2 rear flood
 Heavy duty front lights
 Pre-wired for rotating beacon
 Lockable service access hood
 Single-point daily servicing
 Rear tail lights
 Heavy duty rear door
 Remote oil and fuel filters
 Block heater
 Debris ingress sealing
 Mounting points for add-on counterweights

OPTIONAL EQUIPMENT

OPERATOR ENVIRONMENT

Enclosed cab:

- Fully sealed and pressurized – FSP
- Glass door with wiper and washer
- Sliding side windows – removable
- Ventilation system with integrated heater
- Heater and air conditioner
- AM/FM radio with 2 speakers
- Keyless start ignition

Electro-hydraulic controls:

- For drive/steering, loader functions
- Switchable between H and ISO patterns
- Adjustable sensitivity of controls

Mechanical hand controls

Hand and foot controls:

- Hand controls the loader drive function
- and foot controls the bucket and boom

Deluxe cloth, air suspension seat, with heater and lumbar support

Demolition cab door with polycarbonate

FOPS Level 2

HYDRAULICS

High-flow auxiliary hydraulics – combined:

- @ 3,450 psi (238 bar) – 39.5 gpm (149 L/min)

Enhanced High-Flow auxiliary hydraulics – EHF:

- @ 4,000 psi (276 bar) – 35.0 gpm (132.5 L/min)

Second auxiliary hydraulics

Hydraulic one-way self-leveling

Ride control

LOADER

Auxiliary front electric control

Hydraulic attachment coupler

TRACKS

Heavy Duty Tracks

OTHER

Language decals

Buckets – see page 3

Bolt-on bucket cutting edges

Bolt-on heavy-duty bucket spill guard

Special paint

Offsite service arrangement

Telematics

FACTORY SUPPLIED ATTACHMENTS

Interior mirror

Add-on counterweights

Road lights

Rotating beacon

Four-corner LED strobe

Bolt-on heavy-duty bucket teeth

48 in (1.22 m) pallet forks

SERVICE PARTS

3 inch (76.2 mm) retractable seat belt

CaseCE.com

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IMPORTANT: CASE Construction Equipment Inc. reserves the right to change specifications without notice and without assuming any obligation relating to such change. Availability of some models and equipment builds vary according to the country in which the equipment is used. The illustrations and text may include optional equipment and accessories and may not include all standard equipment. Your CASE dealer/distributor will be able to give you details on the products and their accessories available in your area.



CASE Construction Equipment is biodiesel-friendly. **NOTE:** All engines meet current EPA emissions regulations. All specifications are stated in accordance with SAE Standards or Recommended Practices, where applicable.



Always read the Operator's Manual before operating any equipment. Inspect equipment before using it, and be sure it is operating properly. Follow the product safety signs and use any safety features provided.

Form No. CCE201810TV450
Replaces Form No. CCE201305TV450

TV450 Page 93 of 113

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of proposed amendments to the Farragut Museum Committee Charter

INTRODUCTION: At the Board of Mayor and Aldermen workshop July 23, 2020 the board requested that the Farragut Museum Committee charter be amended. Proposed revisions are outlined on the attached charter.

RECOMMENDATION BY: Town Recorder/Treasurer Allison Myers for approval

PROPOSED MOTION: To approve the proposed amendments to the Farragut Museum Committee Charter

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



Farragut Museum Committee Charter

The Farragut Museum Committee is to advise and assist the Town of Farragut, its citizens and its staff in preserving the heritage of our East Tennessee Community. The committee fosters an appreciation of history through the acquisition, collection, preservation, display and interpretation of objects of historic and cultural significance.

The committee shall:

- recommend annual and long-range Town goals to promote appreciation and understanding of the history of the Farragut area to citizens of the Town of Farragut;
- plan special historical programs for all citizens, especially children, seniors and special-needs citizens;
- assist staff as requested in the planning and presentation of changing exhibits;
- promote the Museum through traveling exhibits and lectures;
- raise funds, as needed, -for the Museum through donations, memorials, honorariums and membership and acknowledge these through letters, special programs and publications.
- propose reasonable Town funding to initiate and/or maintain programs that will contribute to achieving the Town's cultural goals;
- assist in identifying grant opportunities and preparing grant proposals to help fund the Town's preservation and cultural programs and facilities.

Under the guidance of the Farragut Museum Committee, activities such as lectures, concerts, exhibitions, educational programs and seminars could be presented for the benefit of citizens of the Farragut community. Many such events can be self-supporting or profitable to the Town.

The committee will consist of ~~eleven~~ nine (9) voting members, appointed by the Farragut Board

of Mayor and Aldermen, and shall abide by the by-laws approved by the Farragut Board of Mayor and Aldermen. Additionally, the committee may appoint one (1) non-voting youth member to serve as outlined in the adopted by-laws.

The voting members of the committee shall be appointed for a term of two (2) years. Voting members shall be limited to ~~two~~ four (24) terms on this committee. Years of service served prior to July 1, 2019 shall not count in determining years of service.

The committee ~~shall~~ should hold ~~10~~ meetings as needed during each fiscal year. The committee is requested to provide copies of their minutes to the Board. By the end of June each year, the committee is to provide the Farragut Board of Mayor and Aldermen with an annual report on the status of their goals and objectives. Voting members serve at the pleasure of the Board of Mayor and Aldermen and are expected to attend scheduled meetings. The term of any voting member shall expire on the third absence from the scheduled meetings during the fiscal year. Voting members may seek reappointment by the Board of Mayor and Aldermen.

The Town staff will support the committee by providing information, helping facilitate programs and cultural events, and assisting in the preparation of grant applications and reports.

It is specifically noted that the Town has a council or committee that is responsible for each of these areas: arts, beautification and parks and athletics. It is expected that, where appropriate, the Farragut Museum Committee and these committees will be mutually supportive.

This charter was approved by the Farragut Board of Mayor and Aldermen.

Amended Date:

Ron Williams, Mayor

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Trevor Hobbs, Assistant to the Town Administrator

SUBJECT: Resolution R-2020-07 authorizing the town to participate in the Public Entity Partners "Safety Partners" Matching Grant Program.

INTRODUCTION: The Town's worker's compensation coverage provider, Public Entity Partners, offers an annual matching grant in the amount of \$2,000 for employee safety equipment and training.

The objective of the grant program is to help members purchase safety items designed to reduce workers compensation claims. The 2020 grant has been expanded to include COVID-19 response expenses.

BACKGROUND: The Town currently has an excellent safety record that is due, in part, to the consistent use of safety equipment. Much of our safety equipment is required by Tennessee Occupational Health and Safety (TOSHA) for employees performing their daily work tasks. Due to COVID-19, additional safety equipment and supplies have also been needed.

DISCUSSION: Proper safety equipment can prevent employee injuries. Employee injuries may result in lost time from work, reduced efficiency, and increasing the worker's compensation premium. Most importantly, employee injuries negatively impact the employee. During COVID-19 conditions, additional safety requirements have made additional equipment for cleaning and protection necessary. This grant will help purchase needed employee safety devices and equipment that can mitigate the various health and safety hazards.

Public Entity Partners will match up to a maximum of \$2,000 that the town spends on approved safety devices and equipment with the maximum reimbursement based on a Priority Classification matrix. Additionally, the grant requires that the attached Resolution be passed by the governing body to authorize participation in the grant program and for the expenditure of funds for safety equipment and supplies. Expenditures for safety equipment and supplies are included in the Town's annual budget.

FINANCIAL SECTION: No funds requested for the FY 21 budget. Funding was already provided from the FY 20 and FY 21 budgets.

PROPOSED MOTION: Approval of Resolution R-2020-07.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>PINCHOK</u>	<u>BURNETTE</u>	<u>MEYER</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



Town of Farragut, Tennessee

RESOLUTION: R-2020-07

**A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE
TOWN OF FARRAGUT AUTHORIZING THE TOWN TO PARTICIPATE IN
THE PUBLIC ENTITY PARTNERS'S "SAFETY PARTNERS" MATCHING
GRANT PROGRAM**

WHEREAS, the safety and well-being of the employees of the Town of Farragut is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the Town of Farragut employees; and

WHEREAS, The Public Entity Partners seeks to encourage the establishment of a safe workplace by offering a "*Safety Partners*" *Matching Grant Program*; and

WHEREAS, the Town of Farragut now seeks to participate in this important program.

NOW, THEREFORE, be it resolved by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee the following:

SECTION 1. That the Town of Farragut is hereby authorized to submit application for the "*Safety Partners*" *Matching Grant Program* through Public Entity Partners.

SECTION 2. That the Town of Farragut is further authorized to provide a matching sum for any monies provided by this grant.

Resolved this 13th day of August in the year 2020.

Ron Williams, Mayor

Allison Myers, Town Recorder

AGENDA NUMBER V.I.E.

MEETING DATE AUGUST 13, 2020

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator



SUBJECT: Resolution R-2020-08, a resolution by the Board of Mayor and Aldermen of the Town of Farragut, in Opposition to Proposed Rezoning in the Town of Farragut Urban Growth Boundary

INTRODUCTION: The purpose of this agenda item is to approve Resolution R-2020-08, a resolution by the Board of Mayor and Aldermen of the Town of Farragut, in Opposition to Proposed Rezoning in the Town of Farragut Urban Growth Boundary.

BACKGROUND: The attached application was submitted for rezoning and sector plan amendment to the Knoxville-Knox County Planning Commission to be heard at their September 2020 meeting. The property is located in the jurisdiction of Knox County and is within the Town of Farragut Urban Growth Boundary. Current zoning for the property is Neighborhood Commercial (CN) and the Knox County Southwest Sector Plan designates this as a potential Office (O) zone.

DISCUSSION: The requested application for rezoning to Office, Medical and Related Services Zone (OB) and sector plan amendment by Dominion Development Group to High Density Residential (HDR) of up to 18 dwelling units per acre is inconsistent with both the Knox County zoning and sector plan and the Town of Farragut Comprehensive Land Use Plan, which designates this area as Medium Density Residential with a density of up to 8 dwelling units per acre. The area to the north and east of this property are all low density detached single family housing and a rezoning to this intense use would not be compatible with the surrounding development patterns in the area.

RECOMMENDATION BY: Town Administrator David Smoak for approval.

PROPOSED MOTION: To approve Resolution R-2020-08, a resolution by the Board of Mayor and Aldermen of the Town of Farragut, in Opposition to Proposed Rezoning in the Town of Farragut Urban Growth Boundary.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

VOTE/TOTAL	MEYER	POVLIN	PINCHOK	BURNETTE	WILLIAMS
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



RESOLUTION: R-2020-08

**A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE
TOWN OF FARRAGUT IN OPPOSITION TO PROPOSED REZONING IN THE
TOWN OF FARRAGUT URBAN GROWTH BOUNDARY**

WHEREAS, Knoxville | Knox County Planning received a proposed rezoning and Southwest Sector Plan amendment on July 27, 2020 for Parcel 03706, Tax Map 153, which is located within the approved Urban Growth Boundary of the Town of Farragut; and,

WHEREAS, this parcel is within the jurisdiction of Knox County and currently zoned Neighborhood Commercial (CN), which provides for uses and services that compliment and are not disruptive to established residential neighborhoods; and,

WHEREAS, the Neighborhood Commercial (CN) district limits the size of individual buildings to 5,000 sq. ft. and 35 feet in height and is intended to provide an appropriate building form and scale that will transition well with adjacent residential structures; and,

WHEREAS, in the Knox County Southwest Sector Plan this parcel is shown as Office (O) and is designated for business and professional offices and office parks; and

WHEREAS, the proposed rezoning from Dominion Development Group requests to change the zoning to Office, Medical, and Related Services Zone (OB), which allows multiple development features that are inconsistent with the Southwest Sector Plan and a broad range of uses that include up to 4 story buildings that can be 45 feet in height, but would not permit, outside of a use on review, densities in excess of 12 units per acre; and,

WHEREAS, the Office, Medical, and Related Services Zone (OB) also provides, as a use on review, for the following uses: methadone treatment, pain management clinics and recovery housing, which would be inconsistent with the objectives of both Knox County and the Town of Farragut to ensure that existing residential development are protected from surrounding incompatible development; and,

WHEREAS, the proposed application also requests an amendment to the Southwest Sector Plan for the property from Office (O) to High Density Residential (HDR) to increase the allowable density by 33% allowing for up to 18 dwelling units per acre; and,

WHEREAS, this property is located within the Town of Farragut Urban Growth Boundary which has been designated on the Comprehensive Land Use Plan for the Town of Farragut as Medium Density Residential, which permits a density of up to 8 dwelling units per acre which would allow for an appropriate transition from lower single family residential density to the north and east, to the improvements that are currently being made to Concord Road; and,

WHEREAS, the requested rezoning and Southwest Sector Plan amendments are incompatible with the current density and scale of development surrounding this property and the Concord Road corridor; and,

WHEREAS, the Comprehensive Growth Plan Act, Tenn. Code Ann. § 6-58-107(a) provides that once a growth policy plan has been adopted and approved “all land use decisions made by the legislative body and the municipality’s or county’s planning commission *shall* be consistent with the growth plan”; and,

WHEREAS, the Growth Policy Plan adopted by Knoxville, Knox County, and the Town of Farragut expressly established the policy that “ rezonings in the urban growth boundaries *shall* be consistent with the applicable Sector Plan adopted by the Metropolitan Planning Commission or the Farragut Land Use Plan, as appropriate or one created hereafter in Knox County under provisions of state law,” Growth Policy Plan § 5.2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Mayor and Aldermen of the Town of Farragut is opposed to the proposed Knox County Rezoning request for Parcel 03706, Tax Map 153, because, for the foregoing reasons, it is contrary not only to the Southwest Sector Plan and the Farragut Land Use Plan, but also to the adopted Growth Policy Plan and, as such, if approved would be a violation of the Comprehensive Growth Plan Act.

BE IT FURTHER RESOLVED that the Board of Mayor and Aldermen requests that the Knoxville-Knox County Planning Commission and Knox County Commission vote to uphold state law and deny this request and, as such follow the current zoning and land use plans that have been adopted for the area in question.

This resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on August 13, 2020.

Ron Williams, Mayor

Allison Myers, Town Recorder

**RECEIVED***By Elizabeth Albertson at 3:30 pm, Jul 27, 2020***DEVELOPMENT REQUEST****DEVELOPMENT**

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Plan Amendment
☒ Rezoning

Craig Cobb

Applicant

Applicant Name

7/24/20

9/10/2020

Affiliation

9-E-20-RZ & 9-A-20-SP

Date Filed

Meeting Date (if applicable)

File Numbers(s)

CORRESPONDENCE

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

- ☐ Applicant ☐ Owner ☒ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Craig Cobb

Dominion Development Group

Name

3834 Sutherland Avenue

Company

Knoxville

TN

37919

Address

City

State

Zip

865-567-1096

craigc@dominiondg.com

Phone

Email

CURRENT PROPERTY INFO

Laumar Properties LLC

1701 Alcott Manor Ln, Knoxville, TN 37922

Owner Name (if different)

Owner Address

Owner Phone

0 Concord Road, Knoxville, TN 37934

153 03706

Property Address

Parcel ID

Northeast side of Concord Road, south of Loop Road

8.42 acres

General Location

Tract Size

Knox County Commission District 9

CN

Jurisdiction (specify district above)

☐ City ☒ County

Zoning District

Southwest County

O

Farragut Urban Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Vacant Land

N

First Utility District

First Utility District

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

RECEIVED

By Elizabeth Albertson at 3:30 pm, Jul 27, 2020

REQUEST**DEVELOPMENT**☐ Development Plan ☐ Use on Review / Special Use☐ Residential ☐ Non-Residential☐ Home Occupation (specify): _____☐ Other (specify): _____**SUBDIVISION**☐ Proposed Subdivision Name _____

Unit / Phase Number _____

☐ Parcel Change☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created: _____

☐ Other (specify): _____☐ Attachments / Additional Requirements**ZONING**☒ Zoning Change: **OB**

Proposed Zoning _____

☒ Plan Amendment Change: **HDR**

Proposed Plan Designation(s) _____

18 du/ac

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

☐ Other (specify): _____**STAFF USE ONLY****PLAT TYPE**☐ Staff Review ☐ Planning Commission**ATTACHMENTS**☐ Property Owners / Option Holders ☐ Variance Request**ADDITIONAL REQUIREMENTS**☐ Design Plan Certification (*Final Plat only*)☐ Use on Review / Special Use (*Concept Plan only*)☐ Traffic Impact Study**FEE 1:****0327 \$1,842****TOTAL:****\$2,642.00****FEE 2:****0527 \$800****FEE 3:****AUTHORIZATION**

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Digitally signed by Craig Cobb
DN: cn=Craig Cobb, o=Dominion Development Group, ou=Dominion Development Group
Reason: I am the author of this document
to allow you to verify this signature
Date: 2020.07.27 11:35:35 -0400
Email: craigc@dominiondgc.com**Craig Cobb****7/23/20**

Applicant Signature

Please Print

Date

865-567-1096**craigc@dominiondgc.com**

Phone Number

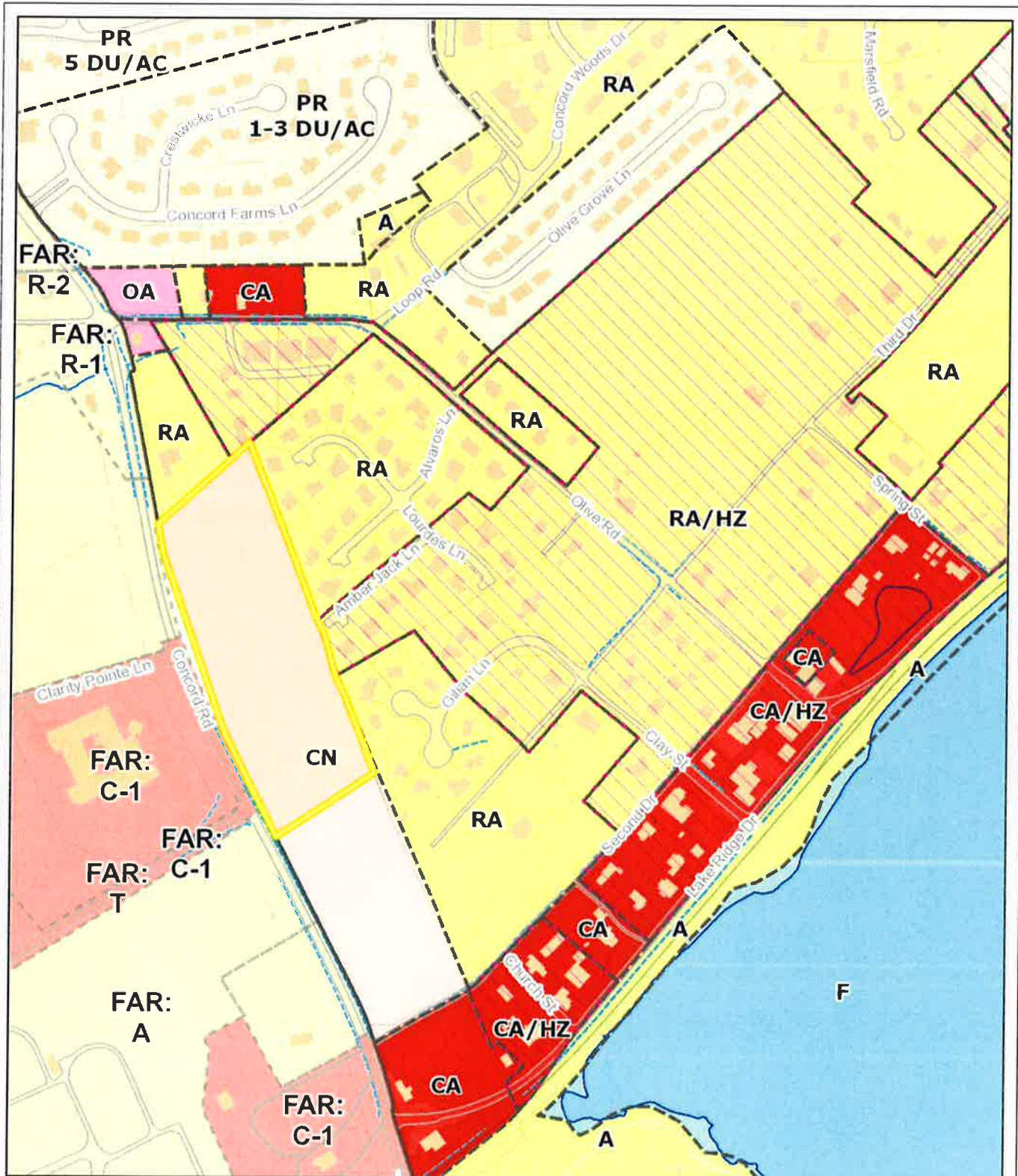
Email

Elizabeth AlbertsonDigitally signed by Elizabeth Albertson
Date: 2020.07.27 11:35:35 -0400**Elizabeth Albertson****7/27/2020**

Staff Signature

Please Print

Date



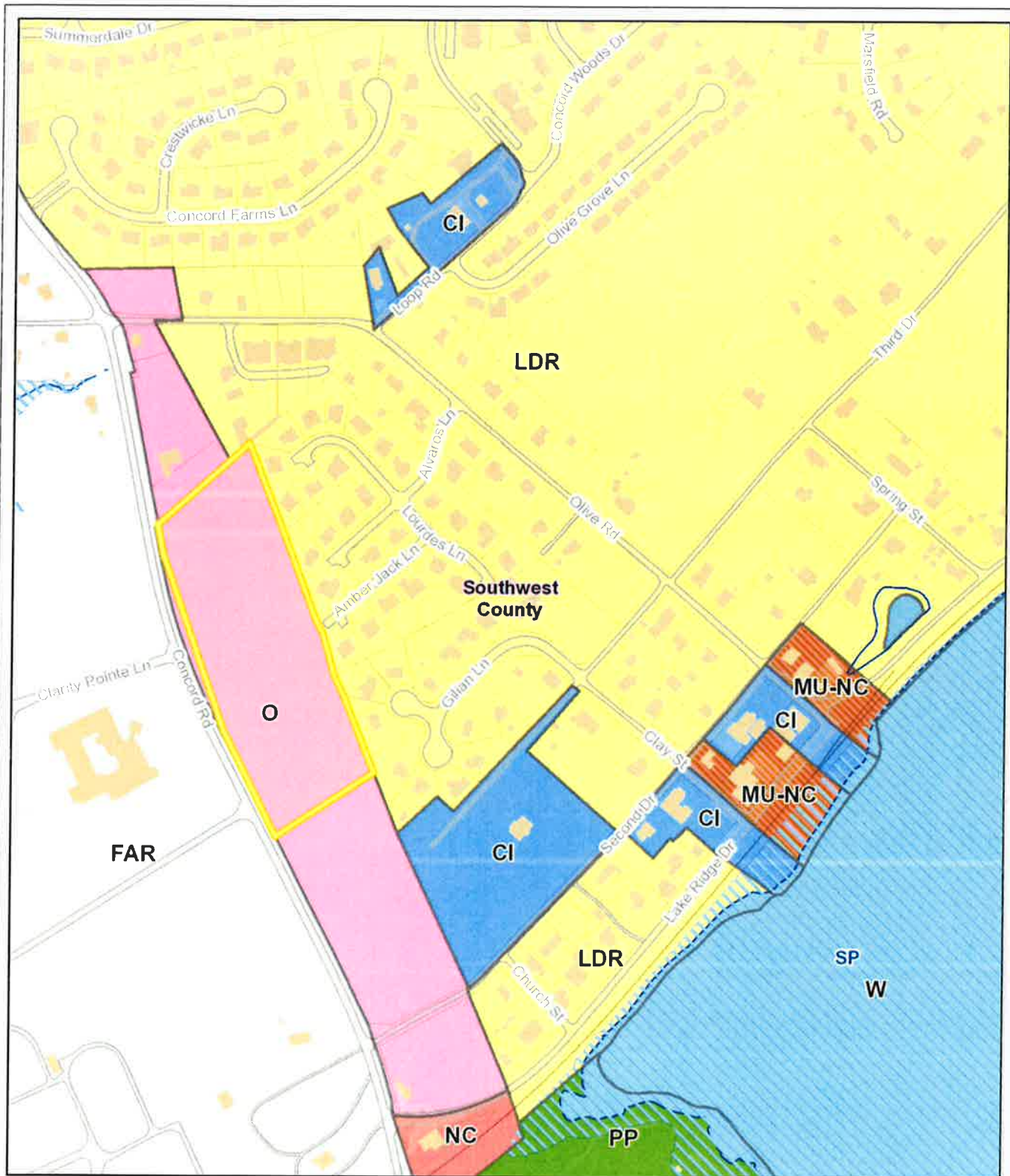
9-E-20-RZ & 9-A-20-SP



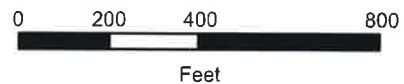
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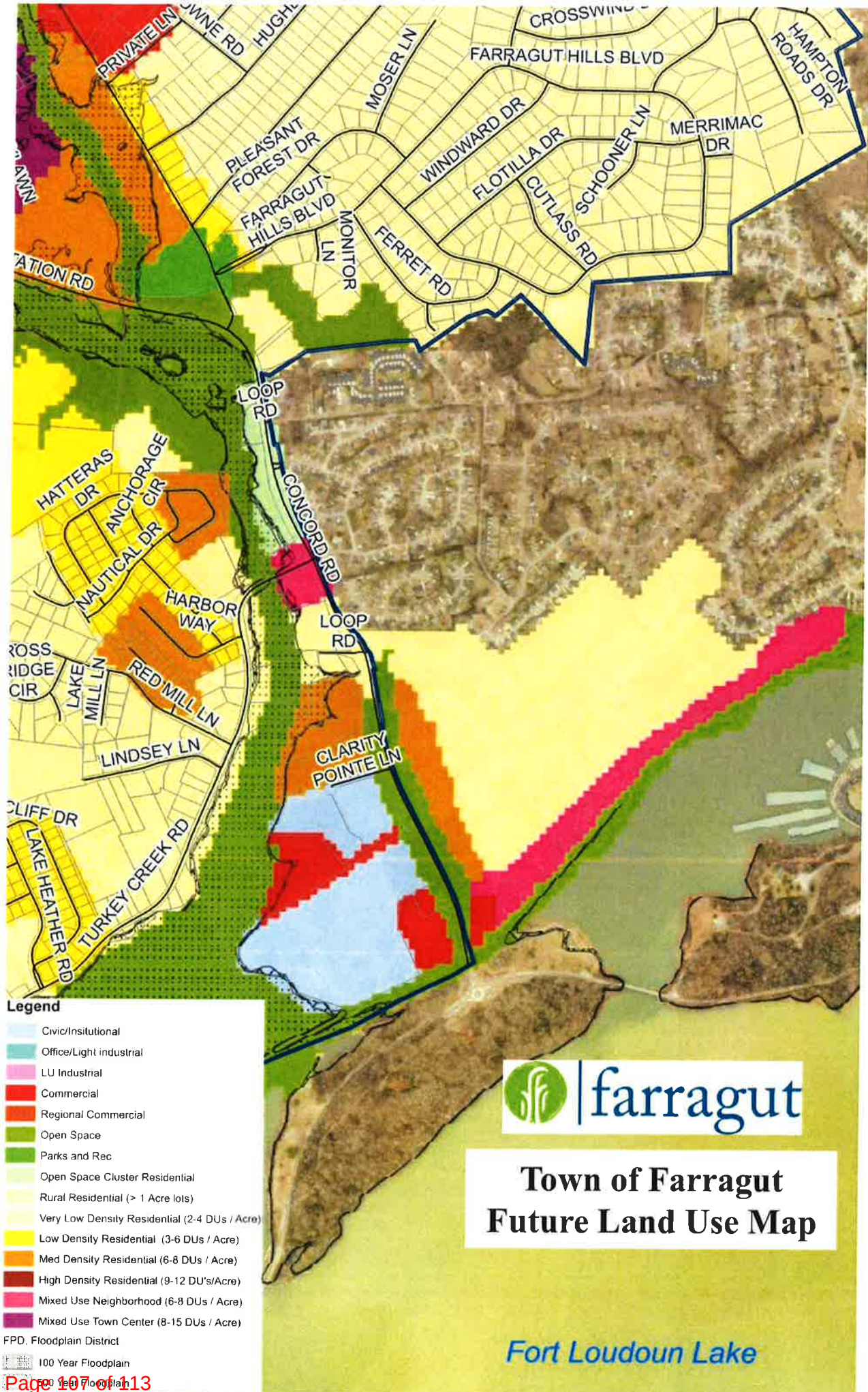
9-E-20-RZ & 9-A-20-SP



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REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Change Order No. 1, Contract 2020-05, Resurfacing of Streets

INTRODUCTION: The purpose of this item is to consider approval of a change order for additional work outside the original scope of our current annual resurfacing contract.

BACKGROUND: As staff assembled our list of streets to be resurfaced in March of this year, we considered the need to resurface a large portion of McFee Road. The surface of McFee Road is nearing the end of its useful life and waiting much longer to resurface could require replacement of the binder course as well. There is considerable deformation of the roadway near Bridgemore Boulevard, including curb & gutter and sidewalk. In anticipation of including McFee Road on next year's resurfacing list, staff recommends making repairs as shown on the attached map. Our intent is to replace the full depth of McFee Road near Bridgemore Boulevard in order to repair the subgrade (including approximately 100 feet of sidewalk and curb & gutter), then mill and resurface approximately 1,000 feet of the roadway south of that location. Our current contract does not include unit prices for several of the needed repairs, so we have requested the attached estimate of costs from APAC-Atlantic. Using a conservative estimate of quantities, along with current and new unit prices, APAC-Atlantic anticipates the total cost of these repairs to be \$99,810 (see attached estimate). Staff anticipates funding these repairs from resurfacing funds already budgeted for FY2021.

FINANCIAL SECTION:

Project: Contract 2020-05, Resurfacing			
<u>Project Budget</u>	<u>Requested Amount</u>	<u>Expenditures to Date</u>	<u>Available Amount</u>
\$800,000	\$99,810	\$0	\$700,190
Approved			
By: <u>A. Myers</u>			

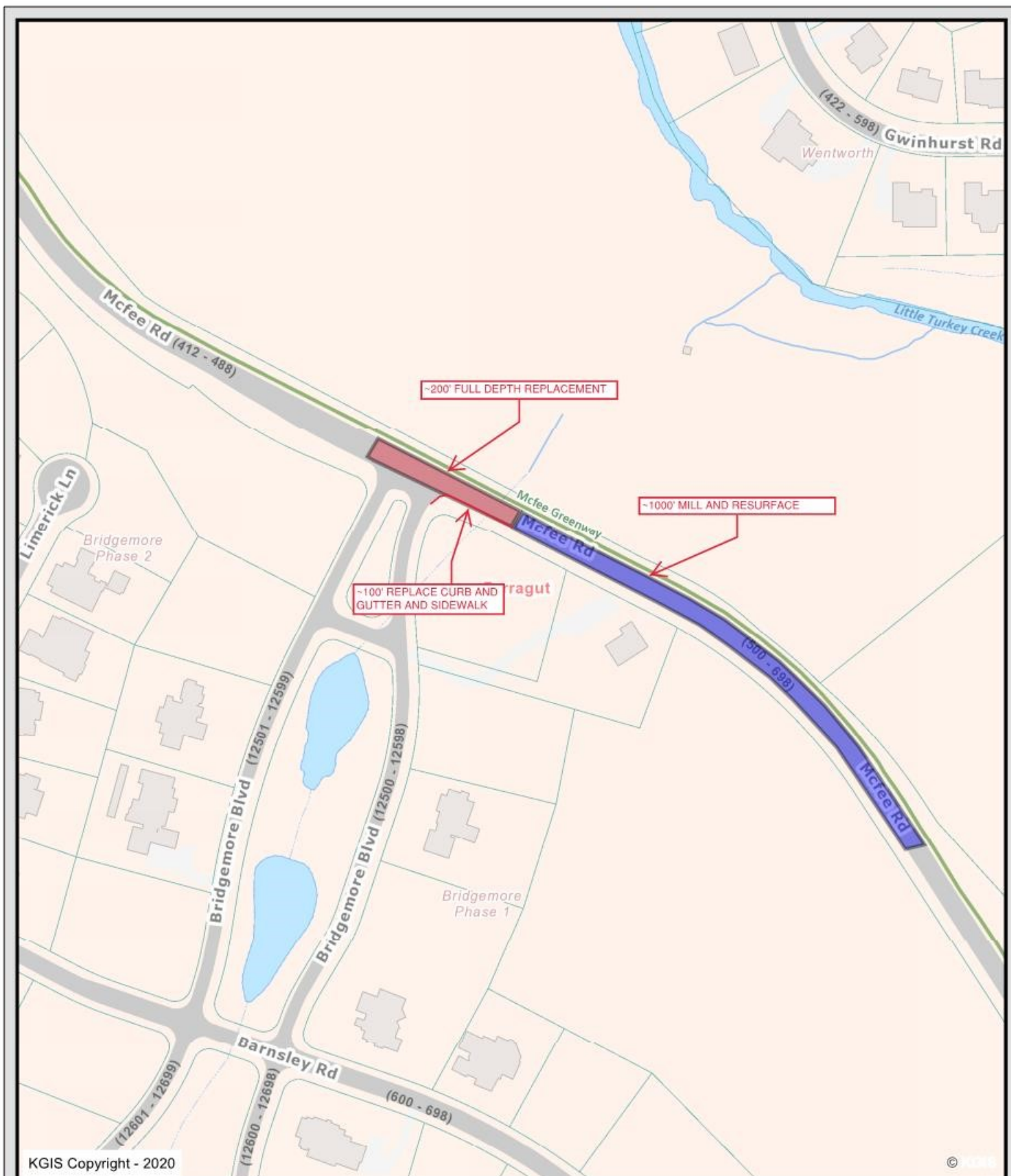
RECOMMENDATION BY: Darryl Smith, Town Engineer

PROPOSED MOTION: Approval of Change Order No. 1, Contract 2020-05, for additional work to make repairs to McFee Road near Bridgemore Boulevard.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>PINCHOK</u>	<u>MEYER</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



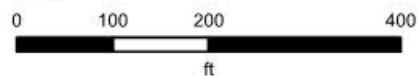
McFee Road Resurfacing

Knoxville - Knox County - KUB Geographic Information System

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REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Change Order No. 2, Contract 2020-08, Campbell Station Inn Phase 3

INTRODUCTION: The purpose of this item is to consider approval of a change order for additional work outside the project scope at the Town's Campbell Station Inn Phase 3 project.

BACKGROUND: The Board of Mayor and Aldermen awarded Contract 2020-08 to Merit Construction, Inc. on August 22, 2019, with a total bid of \$2,448,571.00. The work consists of construction of entrance roads, parking and a park-like plaza on the property. Attached is a Change Order request for additional work by Merit Construction that was not included in the original contract documents. The following changes are requested:

Weather Delays. Throughout the project Merit has encountered weather delays related to heavy and frequent rainfall. The contract allows for time extension for weather delays above the NOAA baseline for the area. Merit has requested a 50-day time extension due to weather. The Architect has reviewed the request with Staff and has concluded that 27 days are due.

PCO 6: Rework of Storm Drain and Additional Structures. Work at the corner of Kingston Pike and Campbell Station Road encountered multiple underground utility interferences. The storm drainage system required redesign including new structures, reroute of the area drains and changes to the pipe size and material. Merit has requested \$10,803 and an 8-day time extension. Please note this includes a credit to the Town for unused materials in the amount of \$3,465 and \$1,533 drawn from the project's contingency allowance already included in the contract price.

PCO 7: Addition of Retaining Curb at Planter. Due to site drainage and shallow existing utilities, a concrete retaining ring around the planter has been added. This will allow the plantings to be slightly elevated mitigating any washout during rain events. Merit has requested \$1,902 and a 2-day time extension.

Staff's recommendation is that the additional work outlined above was necessary to advance this project toward completion and the costs and time extensions are fair and reasonable.

Total cost for Change Order No. 2 is \$12,705.00, with 37 days of additional time.

FINANCIAL SECTION:

Project: Contract 2020-08, CSI Phase 3			
<u>Project Budget</u>	<u>Requested Amount</u>	<u>Expenditures to Date</u>	<u>Available Amount</u>
\$2,468,571	\$12,705	\$2,448,571	\$7,295
Approved By: <u>A. Myers</u>			

RECOMMENDATION BY: Darryl Smith, Town Engineer

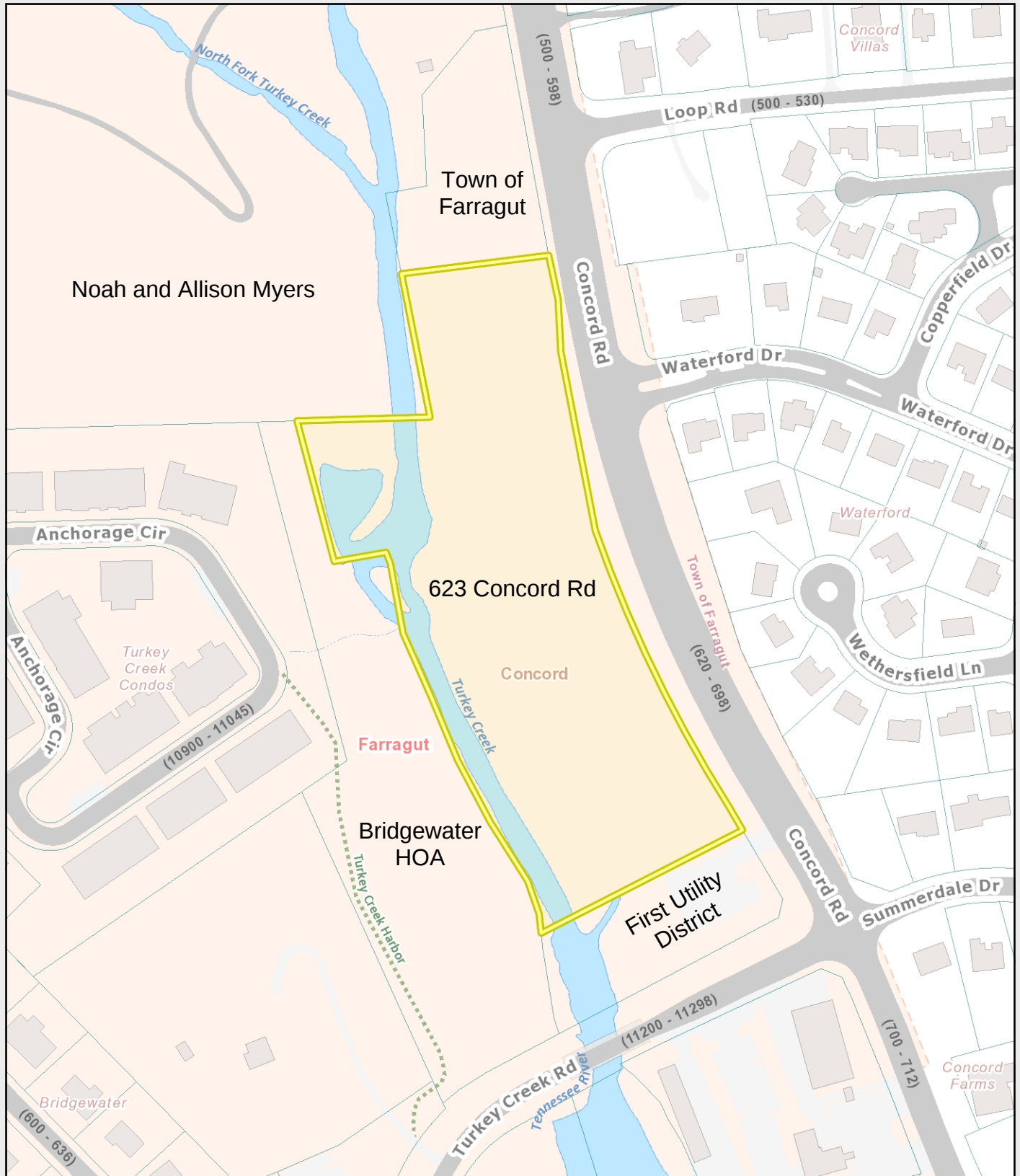
PROPOSED MOTION: Approval of Change Order No. 2 for additional work provided under Contract 2020-08, Campbell Station Inn Phase 3, with a total cost of \$12,705.00 and a 37-day time extension.

BOARD ACTION:

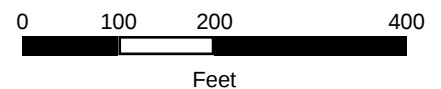
MOTION BY:_____ **SECONDED BY:**_____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>PINCHOK</u>	<u>MEYER</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____





623 Concord Road Property



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Legacy Parks Foundation Charitable Assistance Agreement

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Williams

As of this ____ day of _____, 2020, Legacy Parks Foundation (hereinafter "LPF") hereby agrees to provide assistance to the Town of Farragut, Tennessee (hereinafter "Farragut") pursuant to the terms and conditions of this Agreement.

1. Background. Farragut is a municipal corporation that operates parks and other recreational amenities for its citizens and other members of the public. One of LPF's charitable purposes is to raise funds to support public parks, and in order to assist Farragut in raising funds to support parks operated by Farragut, Farragut will request potential donors to donate funds to LPF, with donative instructions to use such donations to support designated activities of Farragut. LPF is willing to provide such assistance in furtherance of its charitable mission.

2. Duration of Agreement and Termination. The term of this Agreement shall be from the date of this Agreement until terminated by either party. Either LPF or Farragut may terminate this agreement upon thirty (30) days written notice to the other party. Upon any termination of this agreement, LPF shall remain obligated to apply any donations received to support Farragut's activities for the designated purposes of such donations.

3. Administration:

- All donations must be cash or cash equivalent, and LPF will hold such donations in a segregated fund (the "Farragut Fund").
- LPF will make disbursements from the Farragut Fund pursuant to written instructions from Farragut to support charitable activities consistent with LPF's charitable purpose, which includes supporting public parks owned by Farragut.
- LPF will charge an administrative fee of 1% of total funds donated and deposited in the Farragut Fund. Such fee will be paid quarterly based upon the donations received in the prior quarter (or upon disbursement if earlier).
- LPF will notify Farragut of donations received with amounts, terms and contact information on weekly basis if donations are received during that week.
- LPF will adhere to all appropriate donor restrictions of which LPF has been advised in writing.
- LPF reserves the right to refuse any gift.
- LPF will send reports quarterly of funds held as of the end of each March, June, September, and December.

- LPF will acknowledge receipt of donations to donors.

4. Farragut Responsibilities:

- Farragut will notify LPF of the expected receipt of any donation to LPF to support Farragut's activities.
- Farragut will provide such documentation as LPF may reasonably request to demonstrate that the application of any donated funds is consistent with LPF's charitable purposes.

The following parties agree to the above terms and conditions of this Agreement as of the first date written above.

THE TOWN OF FARRAGUT, TENNESSEE

By: _____

Authorized Signature

Name

Date

Attest:

Authorized Signature

City/State/Zip

LEGACY PARKS FOUNDATION

By: _____

Carol Evans, Executive Director
28817680.1

Date

THIS INSTRUMENT PREPARED BY:
G. Mark Mamantov, Esq.
Bass, Berry & Sims PLC
900 South Gay Street, Suite 1700
Knoxville, Tennessee 37902

QUITCLAIM DEED WITH RESTRICTIONS

THIS INDENTURE, made this day of _____, 2020, between THE TOWN OF FARRAGUT, a Tennessee municipal corporation ("Grantee") and LEGACY PARKS FOUNDATION, a Tennessee not-for-profit public benefit corporation ("Grantor").

WHEREAS, Grantor is the owner of that certain real property described on Exhibit A attached hereto and collectively referred to as the "Property;" and

WHEREAS, it is the intent of the parties hereto that Grantee acquire the property subject to the terms, conditions, covenants, and restrictions set forth in this Deed; and

WHEREAS, the Property has significant ecological, scenic, open space, and passive recreational values, and these values are of importance to the people of the Town of Farragut and the State of Tennessee and to Grantor and are worthy of protection and preservation; and

WHEREAS, Grantor intends that the restrictions, covenants and conditions contained herein be permanent, irrevocable, and enforceable against Grantee and its successors and assigns. Grantee agrees, by accepting this Deed, to strictly honor the intentions of Grantor stated herein and to preserve, maintain, and protect in perpetuity the conservation values of the Property for the benefit of the public and the generations to come.

For and in consideration of the sum of Ten Dollars (\$10.00) and for other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor has remised, released, and QUITCLAIMED, and does hereby remise, release, and QUITCLAIM unto Grantee all the estate, right, title, and interest of Grantor in and to the Property, together with the hereditaments and appurtenances thereto appertaining, hereby releasing, if applicable, all claims to homestead, dower and curtesy therein, and subject to the following terms, conditions, covenants, and restrictions:

1. It is the purpose of this Deed to convey the Property to Grantee, in trust, for the public benefit and to assure that the Property will be preserved forever in substantially its current natural, scenic, green and open space condition. Grantor intends that this Deed will confine and restrict the use of the Property (except as provided herein) to passive recreation (as hereafter defined), open space, and natural habitat preservation. Grantee agrees to take affirmative steps to prevent any use inconsistent with these intended uses or that may or will significantly impair or interfere with these intended uses. "Passive recreation," as used herein, shall mean recreational uses involving pedestrian and non-motorized uses of the Property and shall not include ball or other sports fields or gasoline, battery or other powered vehicles (except for maintenance and allowed construction purposes) provided, however, that Grantee may construct and/or place on the Property from time to time and maintain facilities associated with passive recreational uses such as pedestrian and non-motorized vehicle trails and bridges (either paved or unpaved), access parking lots (paved or unpaved), view platforms, interpretive signs, trash containers and fences. Grantee may restore or enhance the natural, green and open space qualities of the Property in any respect. As a municipal governmental entity, the Grantee is called upon from time to time to use its property for the placement of public utilities, to provide, widen or expand rights of way and to provide access between

adjoining properties and public rights-of-way. Grantor confirms that such uses of the Property by the Grantee do not constitute a violation of this provision.

2. Except as specified above, the Property shall not be developed in any manner by any person or entity, public or private, or used for the transfer of any density or development rights or credits.

3. Grantee agrees to incorporate the terms and conditions of this Deed in any deed or other legal instrument by which it divests itself or any interest in all or a portion of the Property, including leasehold interests.

4. Grantor, any person or entity with legal standing, and/or any interested member of the public may seek to enforce the terms and conditions of this Deed. Said parties shall have the right to enforce the terms and conditions of this Deed by proceedings at law or in equity, including the right to require restoration of the Property to its natural and open space condition. In any judicial or administrative proceeding brought under this Deed, the prevailing party shall be entitled to recovery of its reasonable costs and reasonable attorneys' fees, as determined by the court. Notwithstanding the foregoing, however, that nothing herein shall be construed to entitle Grantor or any member of the public to institute any enforcement proceedings against Grantee for any changes to the Property due to matters beyond Grantee's control.

5. The terms, conditions, covenants, and restrictions set forth in this Deed shall be binding upon the Grantee, and its successors and assigns, and shall continue as a servitude running in perpetuity with the Property.

Words of any gender shall be deemed to include any other gender, and a reference to the singular shall include the plural, and vice versa, unless the context indicates that such reading would be inappropriate.

THE PREPARER OF THIS DEED MAKES NO REPRESENTATION AS TO THE STATUS OF THE TITLE TO THE PROPERTY DESCRIBED HERE. THIS DEED HAS BEEN PREPARED SOLELY FROM INFORMATION FURNISHED TO THE PREPARER WHO MAKES NO REPRESENTATION OTHER THAN THAT IT HAS BEEN ACCURATELY TRANSCRIBED FROM INFORMATION PROVIDED.

IN WITNESS WHEREOF, Grantor and Grantee have executed this instrument as of the day, year and month first above written.

GRANTOR:

LEGACY PARKS FOUNDATION

By: _____

Printed Name: _____

Title: _____

GRANTEE:

TOWN OF FARRAGUT

By: _____

Ron Williams, Mayor

STATE OF TENNESSEE)
COUNTY OF KNOX)

Before me, the undersigned, a Notary Public in and for the state and county aforesaid, personally appeared RON WILLIAMS, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be Mayor of the Town of Farragut, Tennessee, the within named bargainor, a Tennessee municipal corporation, and that he, as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the general partner by himself as Mayor thereof.

Witness my hand and seal on this the _____ day of _____, 2013.

Notary Public

My Commission Expires:

STATE OF TENNESSEE)
COUNTY OF KNOX)

Before me, the undersigned, a Notary Public in and for the state and county aforesaid, personally appeared _____, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself/herself to be the _____ of LEGACY PARKS FOUNDATION, the within named bargainor, a Tennessee not-for-profit public benefit corporation, and that he/she, as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of said municipal corporation by himself/herself as _____ thereof.

Witness my hand and seal on this the _____ day of _____, 2020.

Notary Public

My Commission Expires:

CLT CODES: Map 143, Parcel 75, 623 Concord Road, Farragut, TN 37934

RESPONSIBLE TAXPAYER:

Property is exempt

I hereby swear or affirm that the actual consideration for this transfer is \$0 (exempt).

Responsible Taxpayer or Agent

Subscribed and sworn to before me this day of _____, 2020.

Notary Public

My Commission Expires: _____

EXHIBIT A

TRACT I: SITUATED in District No. Six (6) of Knox County, Tennessee, located on the Concord to Campbell Station road, one-half mile from Concord on the Southern Railway and further described as follows:

BEGINNING on a stone in the old Concord Road from Concord to Campbell Station, corner to the lands formerly the Concord Show and Livestock Association tract; thence from said point, North $8\frac{1}{4}$ deg. West, 203 feet to a stone in said road, one pole from the former water edge and at the right hand side of what was the old mill race; thence North 74 deg. East, 41.3 feet to a small wild cherry stump; thence North $17\frac{1}{4}$ deg. West, 143 feet; thence North $67\frac{1}{4}$ deg. West, 94 feet; thence North $34\frac{1}{2}$ deg. West, 513.7 feet; thence North $19\frac{1}{4}$ deg. West, 327 feet opposite said mill dam; thence North $12\frac{1}{2}$ deg. West, 230 feet to the line of W. C. Hackney lands; thence South 87 deg. East $247\frac{1}{2}$ feet to the center of the Concord Pike; thence with the center of said Concord Pike, South $10\frac{1}{2}$ deg. West, 107 feet to a stake; thence South 87 deg. East, 252 feet to a stake corner to the Boring lot, now Tillery; thence North $10\frac{1}{2}$ deg. West with the Tillery line, 173 feet to a stake in old line; thence South 87 deg. East, $1595\frac{1}{2}$ feet to a post oak and white oak stump; thence South $3\frac{3}{4}$ deg. West, along the line, 1287 feet to the old fair ground tract; thence with the line of said tract, South 87 deg. West, 1435 feet to the point of BEGINNING, containing 52 acres, more or less, and being the same property described and conveyed in deed of record in Deed Book 637, page 242, in the Register's Office for Knox County, Tennessee.

Also conveyance is made of all rights and interest in the water rights entered into between Margaret J. Russell and Charles W. Russell with W. C. Hackney and Flem Boring, same being of record in the Register's Office for Knox County, Tennessee.

TRACT II: SITUATED in District No. Six (6) of Knox County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in the southern base line of what for years has been known as the Hackney Mill Dam, said point being North 78 deg. 50 min. East, 76 feet from the extreme southwestern corner of tract this day conveyed to James Ira Crenshaw, and being the same beginning point described in the Crenshaw Deed; thence eastwardly with the southern base line of Mill Dam extended to the east line of tract conveyed to first parties in Deed Book 874, page 237, in the Register's Office for Knox County, Tennessee; thence South 28 deg. 52 min. East, 50 feet to a point; thence South 53 deg. 43 min. East, 280.62 feet to a point; thence South 35 deg. 19 min. East, 244.45 feet to a point; thence South 68 deg. 39 min. East, 79.28 feet to a point; thence South 13 deg. 24 min. East, 83.45 feet to a point west of the Concord to Farragut Road and immediately north of the TVA bridge across Turkey Creek; thence with the right-of-way line of TVA and parallel with the said bridge across Turkey Creek, South 66 deg. 30 min. West, 347.5 feet to a point on the west side of Turkey Creek; thence North 9 deg. 05 min. West, 100.32 feet to a point; thence North 5 deg. 55 min. West, 52.22 feet; thence North 19 deg. 05 min. West, 50.16 feet; thence North 32 deg. 12 min. West, 101.11 feet; thence North 27 deg. 41 min. West, 100.24 feet; thence North 22 deg. 31 min. West, 100 feet; thence North 23 deg. 40 min. West, 100 feet; thence North 10 deg. 10 min. West, 102.42 feet; thence North 20 deg. West, 19 feet to the base of Mill Dam, the point of BEGINNING, and being a part of the property conveyed in

Deed Book 874, page 237, in the Knox County Register's Office, and bounded on the north by the old Hackney Mill Dam and on the south by the TVA right-of-way and bridge leading from Concord-Farragut Road to the Boyds Switch Road.

It is a part of the consideration of this conveyance that the Mill Dam at the north line of said property may not be destroyed or removed at any time.

TRACT III: SITUATED in District No. Six (6) of Knox County, Tennessee, and being on the waters of Turkey Creek and being more particularly described as follows:

BEING that portion of the property of James Ira Crenshaw and wife, Elise Lawson Crenshaw as described and conveyed in Deed Book 925, page 455, in the Knox County Register's Office, to which specific reference is hereby made for a more perfect description which property lies east of the centerline of Turkey Creek and south of the old Hackney line, said property being bounded on the west by Turkey Creek, on the north by the old Hackney line, on the east and on the south by the property of C. W. Irwin, and excepting from said property any and all of Mill Dam and the land of which it stands, said dam being one and the same as that described in Deed Book 874, page 237, in the Register's Office for Knox County, Tennessee, and having been known for years as the Hackney Mill Dam.

THERE IS EXCLUDED from the above described property that portion conveyed to Mary Fay Clark by Warranty Deed from Charles W. Irwin and wife, Grace Irwin, dated February 2, 1977, and recorded in Deed Book 1672, page 493, in the Knox County Register's Office.

THERE IS EXCLUDED from the above described property that portion vested in the State of Tennessee pursuant to the Agreed Final Order recorded as Instrument No. 200712280049913, in the Knox County Register's Office.

THERE IS EXCLUDED from the above described property that portion conveyed to the State of Tennessee by Warranty Deed from Nancy Hunter, Trustee, Travis Kyle Hunter Trust Fund, Daniel W. Hunter, Nancy Hunter, Nelle Strange, Myra Smith Tutwiler, Charles Vance Lee and Ann Lee Lawrence, dated March 14, 2018, and recorded as Instrument No. 201803220055723, in the Knox County Register's Office.

THERE IS EXCLUDED from the above described property that portion conveyed to Thurston Reynolds and wife, Hilda Reynolds by Warranty Deed from C. W. Irwin and wife, Grace Irwin, dated February 8, 1965, and recorded in Deed Book 1278, page 544, in the Knox County Register's Office.

THERE IS EXCLUDED from the above described property that portion conveyed to Wheeler J. Clark by Quitclaim Deed from C. W. Irwin and wife, Grace Irwin, dated March 13, 1959, and recorded in Deed Book 1354, page 954, in the Knox County Register's Office.

THERE IS EXCLUDED from the above described property that portion conveyed to Wheeler J. Clark by Warranty Deed from C. W. Irwin and wife, Grace Irwin, dated February 14, 1956, and recorded in Book 1007, page 265, in the Knox County Register's Office.

THERE IS EXCLUDED from the above described property that portion conveyed to Investor's Trust Company by Warranty Deed from Charles W. Irwin and wife, Grace B. Irwin and Mack A. Gentry,

Trustee, dated April 8, 1983, and recorded in Deed Book 1783, page 289, in the Knox County Register's Office.

THERE IS EXCLUDED from the above described property that portion conveyed to W. B. Flanigan and wife, Nina Flanigan by Warranty Deed from C. W. Irwin and wife, Grace Irwin, dated January 7, 1954, and recorded in Deed Book 939, page 113, in the Knox County Register's Office.

THERE IS EXCLUDED from the above described property that portion conveyed to Donald R. Hackney and wife, Mary Rowe Hackney by Warranty Deed from C. W. Irwin and wife, Grace Irwin, dated July 5, 1960, and recorded in Deed Book 1149, page 321, in the Knox County Register's Office.

