

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 10-D-21-UR                      **Related File Number:** 10-SB-21-C  
**Application Filed:** 9/1/2021                      **Date of Revision:**  
**Applicant:** JENKINS BUILDERS INC.

## PROPERTY INFORMATION

**General Location:** South side of Old Tazewell Pike, east side of Murphy Road  
**Other Parcel Info.:**  
**Tax ID Number:** 49 67.01                      **Jurisdiction:** County  
**Size of Tract:** 8.7 acres  
**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Detached residential subdivision                      **Density:**  
**Sector Plan:** North City                      **Sector Plan Designation:** LDR (Low Density Residential)  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:**

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

**Street:** 0 Old Tazewell Pk.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:**

## PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Mike Reynolds

Staff Recomm. (Abbr.):

Approve the development plan for up to 25 detached dwelling units on individual lots and a reduction of the peripheral setback from 35-ft to 25-ft along the northwest boundary of lots 10-15 and 21-24, and the northeast boundary of lots 16 and 21, subject to 1 condition.

Staff Recomm. (Full):

1) Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the PR (Planned Residential) district and the criteria for approval of a use on review.

Comments:

**PERIPHERAL SETBACKS**

The applicant is requesting a 25-ft peripheral setback around the entire boundary of the development. Staff is recommending approval of the peripheral setback reduction only along the Old Tazewell Pike frontage and around the First Comforter Church property. The 25-ft peripheral setback will be the front setback for the two lots that front the existing Old Tazewell Pike (lots 20 & 21) and it will be the rear setback for the three lots where the right-of-way closure is proposed (lots 22-24). If the right-of-way is not closed as proposed, the reduced peripheral setback will be beneficial for lot 22, which has the least depth. The other two lots will have plenty of lot depth regardless of whether the right-of-way is close or not and the houses will most likely be built closer to the front property line. Staff is recommending the 35-ft setback be retained along the Murphy Road frontage because it will impact only one lot and the additional setback should not impact the location of the house or accessory structures. The southeast and northeast boundary lines are adjacent to a single-family residential property zoned A (Agricultural) and the Shannon Valley Farm subdivision that is zoned PR (Planned Residential) and has the 35-ft peripheral setback. The 35-ft peripheral setback should not impact the buildable area on the impacted lots.

**DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)**

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

**1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.**

A. The North City Sector Plan recommends LDR (Low Density Residential) uses for this site with a maximum of 5 du/ac.

B. The property is in the Rural Area of the Growth Policy Plan which allows extensions of low density residential development up to a maximum of 3 du/ac when the property is zoned PR (Planned Residential), sanitary sewer and public water is provided, the road the development accesses meets the standards of Knox County Engineering and Public Works, and a transportation impact analysis is provided showing the development will not unreasonably impact traffic flow. The Urban Growth area of the Growth Policy Plan is located on the opposite side of Murphy Road, which is a major collector street, so a traffic impact analysis was not required during the rezoning phase and the realignment of Old Tazewell Pike will make the road system in this area safer.

C. The proposed density of 2.94 du/ac is compliant with the recommendations of the North City Sector Plan and the Growth Policy Plan.

**2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.**

A. The PR (Planned Residential) zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are

integrated with the total project by unified architectural and open space treatment. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

B. The proposed residential subdivision with detached houses is compatible with the surrounding detached houses and church.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The surrounding development has a mix of large-lot residential lots and small residential lots for detached houses, and a church. There are attached residential houses on the south side of Murphy Road.

B. The front setback for the existing houses on Old Tazewell Pike ranges from 20-ft to 57-ft, so there isn't a consistent setback. The proposed front setback for the lots with Old Tazewell Pike frontage is 20-ft to 25-ft.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The use of the property for detached houses will not significantly injure the value of adjacent properties since they include residential uses and a church.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The development will have direct access to Murphy Road, which is a major collector street, and will realign Old Tazewell Pike through the development but this is a short street with six existing houses a church.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed residential use.

**Action:** Approved **Meeting Date:** 11/10/2021

**Details of Action:**

**Summary of Action:** Approve the development plan for up to 25 detached dwelling units on individual lots and a reduction of the peripheral setback from 35-ft to 25-ft along the northwest boundary of lots 10-15 and 21-24, and the northeast boundary of lots 16 and 21, subject to 1 condition.

**Date of Approval:** 11/10/2021 **Date of Denial:** **Postponements:** 10/14/2021

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

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Board of Zoning Appeals

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

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

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

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

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

**Date of Legislative Appeal:** **Effective Date of Ordinance:**