

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

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Knoxville, Tennessee 37902  
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**File Number:** 10-F-06-UR                      **Related File Number:**  
**Application Filed:** 9/1/2006                      **Date of Revision:**  
**Applicant:** DISNEY JOINT VENTURE / JERRY DISNEY  
**Owner:**

## PROPERTY INFORMATION

**General Location:** Northwest side of W. Emory Rd., west of Carpenter Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 78 24.07, 26 & 29                      **Jurisdiction:** County  
**Size of Tract:** 25.06 acres  
**Accessibility:** Access is via W. Emory Rd., a major arterial street with 23' of pavement width within 50' of right of way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:**  
**Surrounding Land Use:**  
**Proposed Use:** Attached residential development                      **Density:** 4.07 du/ac  
**Sector Plan:** Northwest County                      **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This area is developed with rural to low density residential uses under A, RA and PR zoning.

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

**Street:** W Emory Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential) Pending  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** The Planning Commission recommended approval of PR (Planned Residential) zoning at up to 5 du/ac at the September 14, 2006 meeting. Knox County Commission will consider the request on October 23, 2006.

## PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

Surveyor:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the request for up to 102 attached residential condominiums as shown on the development plan subject to 9 conditions

Staff Recomm. (Full):

1. Approval of the rezoning request to PR at a density of up to 5 du/ac by the Knox County Commission (9-H-06-RZ).
2. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
3. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knox County (91-1-102)
4. Constructing an east bound left turn lane in W. Emory Rd. at the development entrance subject to approval by the Knox County Department of Engineering and Public Works and the Tennessee Department of Transportation (TDOT). The plans for the turn lane shall be submitted to and approved by County Engineering and TDOT prior to obtaining a grading permit for this project. The timing of the construction of the turn lane shall also be addressed at that time. All work done in the right-of-way of W. Emory Rd. must be done under the supervision of the TDOT.
5. Detailed design plans of the entrance and gate area shall be submitted to the Knox County Department of Engineering and Public Works for approval prior to obtaining a grading permit.
6. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works
7. All sidewalk and walking trail construction to be compliant with the requirements of the Americans With Disabilities Act
8. Prior to obtaining any certificates of occupancy, establish a homeowners association for the purpose of maintaining the streets, buildings, landscaping, stormwater drainage system and any other commonly held assets.
9. Installation of the landscaping, as shown on the landscape plan, within 6 months of the issuance of occupancy permits for this project, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.

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

Comments: The applicant is proposing to develop this 25.06 acre site with 102 attached residential condominium units at a density of 4.07 du/ac. The Planning Commission recommended approval of PR (Planned Residential) zoning at up to 5 du/ac at the September 14, 2006 meeting. Knox County Commission will consider the request on October 23, 2006.

The development will have access to W. Emory Rd. The traffic study submitted with the application identified that an east bound left turn lane at the development entrance was marginally warranted and recommended that crash experience be monitored at the entrance to anticipate the need for the turn lane. Following a review of the study, Knox County Engineering and Planning Commission Staff are recommending that the applicant install the turn lane now as a part of the development of the site.

The applicant has submitted proposed floor plans that include two car garages for each unit. All units have a parking area with a depth of at least 20' between the unit and the private access drives serving the development. Trash pick-up and mail delivery will be provided at each unit.

The proposed development also includes recreational amenities including a walking trail and clubhouse.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND

THE COMMUNITY AS A WHOLE

- 1. The proposed residential development will have minimal impact on local services since all utilities are available to serve this site.
- 2. With the addition of the left turn lane on W. Emory Rd. at the development entrance there should be adequate capacity on the existing roadway to handle the projected traffic.
- 3. Any school age children living in this development are presently zoned to attend Karns Elementary, Middle and High Schools.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

- 1. With the stated conditions, the proposed attached residential development meets the standards for development within a PR (Planned Residential) Zone and all other requirements of the Zoning Ordinance.
- 2. The proposed subdivision is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas since the subdivision has direct access to a major arterial street.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. The Northwest County Sector Plan identifies this property as low density residential. The site is located in the Planned Growth Area of the Growth Policy Plan. The PR zoning proposed for this site will allow a density up to 5 du/ac. With a density of 4.07 du/ac, the proposed development is consistent with the Sector Plan and Growth Policy Plan.

**MPC Action:**

Approved

**MPC Meeting Date:** 10/12/2006

**Details of MPC action:**

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**Summary of MPC action:**

APPROVE the request for up to 102 attached residential condominiums as shown on the development plan subject to 9 conditions

**Date of MPC Approval:**

10/12/2006

**Date of Denial:**

**Postponements:**

**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:**

**Disposition of Case:**

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Other Ordinance Number References:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**