

CASE SUMMARY

APPLICATION TYPE: DEVELOPMENT PLAN

PLANNING COMMISSION



File Number: 3-B-25-DP Related File Number:

Application Filed: 1/15/2025 Date of Revision:

Applicant: MARK C TUCKER

PROPERTY INFORMATION

General Location: Northwest corner of the intersection of Duck Pond Way and Pond Run Way

Other Parcel Info.:

Tax ID Number: 50 I B 03101, 03102 **Jurisdiction:** County

Size of Tract: 9992 square feet

Accessibility: Access is via Duck Pond Way, a private, unstriped local street with a pavement width that varies from 26 ft to 40 ft within a right-of-way width that varies from 38 ft to 48 ft.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land

Surrounding Land Use:

Proposed Use: Single Family Homes **Density:** 3.92 du/ac

Planning Sector: Northeast County **Plan Designation:** SR (Suburban Residential)

Growth Policy Plan: Urban Growth Area (Outside City Limits)

Neighborhood Context: The subject property is part of The Park at Babelay single-family subdivision located 0.85 miles east of Washington Pike. This is a rural area that features single-family and rural residential uses and vacant lands.

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

Street: 3505 DUCK POND WAY

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential) up to 4 du/ac

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning: In 2007, the property was rezoned from A (Agricultural) to PR (Planned Residential) up to 4 du/ac (3-D-07-RZ).

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: Samiul Haque

Staff Recomm. (Abbr.): Approve the development plan for a detached house on lot 72 of the site plan, subject to 4 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all requirements of the Knox County Department of Engineering and Public Works.
3. Meeting all relevant utility requirements.
4. If during plat approval or construction of the development, it is discovered that unforeseen off-site improvements within the right-of-way are necessary as caused by the development, the developer will either enter into a Memorandum of Understanding with the County for these improvements or reimburse the County for their direct expenses (if competed by County crews) to make corrections deemed necessary.

Comments:

HISTORY OF THE PROPERTY:

- The Park at Babelay Subdivision was created in 2007-2008 and comprised 3 phases. Unit 1 included 2 lots, Unit 2 subdivided one of these lots into 30 new lots, and Unit 3 added another 40 lots to the subdivision. The subject parcels were platted as part of a 1.05-acre common area in Unit 2.
- A homeowner's association (HOA) was created at the same time to maintain the common areas and detention basins. As a typical practice, the HOA would have taken ownership of all common areas after a certain amount of lots in the subdivision were sold. However, this development coincided with the 2008 Great Recession, and most of the lots remained unsold for a lengthy period of time.
- In 2011, a bank took possession of the entirety of Unit 2 and 3 via foreclosure sales, except for one lot that already had a house. The lots of Units 2 and 3 were sold as private properties, and more houses were built starting in 2013-2014.
- The subject parcels (lot 72 and 73) were platted in 2018 as they had remained a part of the common area but were never under HOA ownership. The HOA obtained ownership of the remaining 0.82-acre portion of the common area in 2020.
- No development plan application was submitted prior to the 2018 minor subdivision. The applicant is now requesting approval of a detached house on lot 72. Lot 73 would require additional action in the future to build a house, as noted on the site plan.

The addition of one house will result in a total of 32 residential lots in Units 1 and 2, which is consistent with the originally approved development plan from 2007 that approved 33 houses. For ease of reference, all Planning Commission cases related to this subdivision are listed below in the order of their approval date.

- 3-D-07-RZ: A to PR at 4 du/ac rezoning including Unit 1 and Unit 2 [~8.4 ac]
- 5-SA-07-C, 5-G-07-UR: Concept and development plan for 1 house in Unit 1 and 32 lots in Unit 2 [~8.4 ac]
- 6-K-07: Final plat of unit 1 and former area of Unit 2 [8.17 ac]
- 11-J-07-RZ: A to PR at 5 du/ac rezoning including Unit 3 and 3 lots of Highland Homesites S/D [~13.47 ac]
- 1-SE-08-C, 1-H-08-UR: Concept and development plan for 41 lots in Unit 3 [~9 ac]
- 6-SL-08-F: Final plat for 30 lots in Unit 2, old area of Unit 3, and 3 lots of Highland Homesites S/D [20.56 ac]
- 8-SAA-08-F: Replat of 6-SL-08-F to reduce the required utility & drainage easements [20.56 ac]
- 10-SK-08-F: Final plat for 40 lots in Unit 3 [8.68 ac]
- 3-SD-18-F: Resubdivision of the common area of Unit 2 [1.05 ac]
- 9-B-18-RZ: PR at 5 du/ac to A rezoning for 2 lots of Highland Homesites S/D [2.5 ac, was part of 11-J-07-RZ]

DEVELOPMENT PLAN ANALYSIS PER ARTICLE 6, SECTION 6.50.06 (APPROVAL OR DENIAL)
In the exercise of its administrative judgment, the Planning Commission shall determine if the proposed plan is in harmony with the general purpose and intent of the zoning ordinance and adopted plans.

1) ZONING ORDINANCE

PR (Planned Residential) up to 4 du/ac:

A. The PR zone allows detached dwellings as a permitted use. The administrative procedures for the PR zone require the Planning Commission to approve the development plan before permits can be issued (Article 5, Section 5.13.15).

B. Considering the platted acreage of 8.17 acres for Units 1 & 2, if lot 72 were developed, the density of this development would be 3.92 du/ac, which is in conformance with the approved density of 4 du/ac (3-D-07-RZ).

2) KNOX COUNTY COMPREHENSIVE PLAN - IMPLEMENTATION POLICIES

A. Ensure that development is sensitive to existing community character. (Implementation Policy 2) - A detached house would be compatible with other single-family residences in the subdivision.

3) FUTURE LAND USE MAP

A. The property is classified as the SR (Suburban Residential) place type in the Knox County Comprehensive Plan. Detached dwellings are considered a primary use in the SR (Suburban Residential) place type, and the proposal is consistent with the intent of providing a range of lot sizes that are generally less than one acre.

B. The place type specifies a building height maximum of 2 stories and a front setback of 20-30 ft. The proposed single family house would need to meet the requirements of the PR zone and the stated conditions.

4) KNOXVILLE - FARRAGUT - KNOX COUNTY GROWTH POLICY PLAN

A. The property is within the Urban Growth Boundary. The purposes of the Urban Growth Boundary designation are to encourage a reasonably compact pattern of development, promote the expansion of the Knoxville-Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to the provision of adequate roads, utilities, schools, drainage and other public facilities and services. The proposed development meets the relevant standards of the Growth Policy Plan.

Action:	Approved with Conditions	Meeting Date:	4/10/2025
Details of Action:			
Summary of Action:	Approve the development plan for a detached house on lot 72 of the site plan, subject to 4 conditions.		
Date of Approval:	4/10/2025	Date of Denial:	Postponements: 3/13/2025
Date of Withdrawal:	Withdrawn prior to publication?: <input type="checkbox"/> Action Appealed?:		

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:	Knoxville-Knox County Planning Commission
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: