

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 4-H-21-UR **Related File Number:** 4-SI-21-C
Application Filed: 2/26/2021 **Date of Revision:**
Applicant: M & M PARTNERS / WALLACE MCCLURE

PROPERTY INFORMATION

General Location: South side of West Emory Rd., east of Oak Ridge Hwy.
Other Parcel Info.:
Tax ID Number: 76 031 OTHER: & 090 001 (PART OF) **Jurisdiction:** County
Size of Tract: 27.98 acres
Accessibility: Access is via W Emory Rd a double lane minor collector road with 20ft of pavement and 50ft of right-of-way. The subject property also fronts Pebblepass Rd, a double land road with 25ft of pavement and 65ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant
Surrounding Land Use:
Proposed Use: Detached residential subdivision **Density:**
Sector Plan: Northeast County **Sector Plan Designation:** RR (Rural Residential)
Growth Policy Plan: Rural Area
Neighborhood Context: The subject property is located south of W Emory Rd, in an area with a mix of uses including a mobile home park, large lot single detached dwellings, and some undeveloped land in the RB, A, and I zone.

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

Street: 9922 W. Emory Rd.
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 82 detached residential lots, 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 district and the criteria for approval of a use on review.

Comments:

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. [REVISED 5/7/2021 to correct sector plan designation] The Northwest County Sector Plan recommends RR (Rural Residential) uses for this site with a maximum of 3 du/ac if the request complies with the requirements of the Growth Policy Plan (see 1.B below). The property was rezoned to PR up to 3 du/ac in 2002 (1-I-02-RZ) and the sector plan designation at that time was LDR (Low Density Residential) which allows consideration of up to 5 du/ac. The proposed subdivision has a density of 2.8 du/ac.

B. The Growth Policy Plan requirements to allow up to 3 du/ac include; 1) the property must be zoned PR (Planned Residential), 2) public water and sewer must be available, 3) connecting collector or arterial from the development to the Urban Growth Boundary or the Planned Growth Boundary must meet the standards Knox County Engineering, and 4) provide a traffic impact analysis demonstrating the development will not unreasonably impair traffic flow along arterials through the adjacent Planned Growth Area. The development meets these criteria because the property is zoned PR, public utilities are available, Pebblepass Road connects directly to Oak Ridge Hwy which is an arterial street, and the Planned Growth Area is on the opposite side of Oak Ridge Hwy from the intersection of Pebblepass Road.

C. There are 11.6 acres of this property within the Hillside Protection (HP) area. The guidelines of the Hillside & Ridgetop Protection Plan recommend a maximum land disturbance of 7.4 acres. The applicant proposes approximately 8.17 acres of land disturbance in the HP area which is .72 acres more than recommended. The additional disturbance is approximately 2.5% of the entire site.

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 property was zoned PR (Planned Residential) up to 3 du/ac in 1989 and has remained undeveloped since. The proposed subdivision has a density of 2.8 du/ac.

C. The area surrounding the subject property includes rural residential and agricultural uses to the west, north and northeast, and medium density residential to the east.

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 proposed single-family detached subdivision has a similar character as other residential subdivisions in this area that have access to Oak Ridge Hwy but are smaller than the properties that access W. Emory Road. The proposed subdivision only has 4 lots that back up to W. Emory Road but a larger number of homes will be visible from W. Emory Road because the development is lower than the road.

B. The property to the northeast is a 70-acre property zone A (Agricultural) and according to the current property owner, they wish to use the property for raising livestock as the property had previously been used. The proposed residential subdivision on the subject site will not directly impact the use of the adjacent site for agricultural purposes but could create points of conflict that are not currently present.

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

A. The proposed residential development is compatible with the surrounding residential uses and will not significantly impact the value of adjacent properties.

B. The historic Cherokee Caverns site is to the southwest of the subject site but not directly adjacent. The caverns had the most severe flooding in recorded history during the large rain events in 2019. The stream that passes through the subject site passes under Oak Ridge Hwy to the east of the Cherokee Caverns property. If the culvert under the highway were to be clogged, the stormwater should flow over the top of Oak Ridge Hwy before reaching the height of the entrance of the caverns unless there is another infiltration point at a lower elevation near the Oak Ridge Hwy frontage.

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

A. The development will have direct access to Oak Ridge Highway via Pebblepass Road.

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. The property has a blueline stream through it and the required buffers are being provided.

B. There are no other 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:** 5/13/2021

Details of Action:

Summary of Action: APPROVE the development plan for up to 82 detached residential lots, subject to 1 condition.

Date of Approval: 5/13/2021 **Date of Denial:** **Postponements:** 4/8/2021

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:**