

**CASE SUMMARY**  
**APPLICATION TYPE: SUBDIVISION**  
**CONCEPT PLAN**

**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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**File Number:** 5-SC-07-C  
**Application Filed:** 3/30/2007  
**Applicant:** MELL MASHBURN

**Related File Number:**  
**Date of Revision:**

**PROPERTY INFORMATION**

**General Location:** South and north side Loyston Rd., west of Maynardville Pike.  
**Other Parcel Info.:**  
**Tax ID Number:** 3 79 **Jurisdiction:** County  
**Size of Tract:** 59.6 acres  
**Accessibility:** Access is via Loyston Rd., a minor collector street with a 21' pavement width within a 40' right-of-way, and Old Maynardville Pike, a local street (the portion of the road fronting this property has been closed for several years) with a 40' right-of-way.

**GENERAL LAND USE INFORMATION**

**Existing Land Use:** Vacant land  
**Surrounding Land Use:** North: Residences and vacant land / A (Agricultural)  
South: Residences / A (Agricultural)  
East: Residence and vacant land / A (Agricultural)  
West: Residence and vacant land / A (Agricultural)  
**Proposed Use:** Detached residential subdivision **Density:** 0.55 du/ac  
**Sector Plan:** North County **Sector Plan Designation:**  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:**

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

**Street:**  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

**ZONING INFORMATION (where applicable)**

**Current Zoning:** A (Agricultural)  
**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: Loyston Road Subdivision

No. of Lots Proposed: 33                      No. of Lots Approved: 33

Variances Requested: 1. Intersection spacing on Road A between Road B and Old Maynardville Pike, from 125' to 83.45'  
2. Intersection spacing on Old Maynardville Pike between Road C and Draper Cemetary Rd., from 125' to 41.80'

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 variances 1 & 2 because the site's topography restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to the following 16 conditions:

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Health Department.
  2. Provision of street names which are consistent with the Uniform Street Naming and Numbering System for Knox County (Ord. 91-1-102).
  3. Placing a note on the final plat that all structures will have to be located at least 50' from the top of the sinkhole/closed contour area identified on the plat in the area of Lots 28 and 29. Construction within the 50' setback may be permitted if a geotechnical study prepared by a registered engineer states that building within the 50' sinkhole buffer is acceptable and the study is approved by the Knox County Department of Engineering and Public Works. Engineered footings may be required for any structures within the 50' sinkhole buffer.
  4. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation (TDEC).
  5. If it is determined by TDEC that the drainage feature across Lots 28-32 is designated as waters of the State, a 30' buffer shall be shown on the final plat along the creek (15' on either side of the center of the creek).
  6. Placing a note on the concept plan that all intersection grades have been approved by the Knox County Department of Engineering and Public Works.
  7. Stormwater detention areas need to be located on more than one lot or identified as common area (Lots 2, 13 & 22).
  8. Placing a note on the final plat that Lots 10-21 and 23-32 shall have access from the Joint Permanent Easement (JPE) street system only. Lots 1-9, 22 and 23 shall have direct access to the public street system subject to providing turnaround driveways and each driveway having adequate sight distance.
  9. Certification on the final plat by the applicant's surveyor that the required 300' of sight distance exists in both directions along Old Maynardville Pike at the JPE entrances. The applicant's surveyor shall also mark the location of each proposed driveway onto Loyston Rd. and Old Maynardville Pike and meet with Knox County Department of Engineering and Public Works Staff to certify 400' of sight distance along Loyston Rd. and 300' along Old Maynardville Pike.
  10. Revising the concept plan to show the JPE extending to Lot 32 (not as a separate 40' easement) and moving the turnaround to the end of the JPE.
  11. Placing a note on the concept plan and final plat that the portion of Lot 28 that is located on the southeast side of the JPE is not a building lot.
  12. The final plat for any portion of the subdivision that will have access from Old Maynardville Pike shall not be submitted for review by the Planning Commission until the County re-opens Old Maynardville Pike for public use.
  13. Identifying the Minimum Floor Elevation (MFE) on the final plat for Lots 28-32.
  14. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
  15. Establishment of a homeowners association for the purpose of assessing fees for the maintenance of the Joint Permanent Easements and drainage system.
  16. A final plat based on this concept plan will not be accepted for review by MPC until certification of a design plan has been submitted to MPC Staff.

**Comments:**

The applicant is proposing to subdivide this 59.6 acre tract into 33 lots at a density of 0.57 du/ac. The property is zoned A (Agricultural) which has a minimum lot size requirement of 1 acre. Proposed lots range in size from 1.03 acres to 4.84 acres. Seven of the proposed lots will have direct or shared access to Loyston Rd. Staff is recommending that each driveway location be certified for 400' of sight distance in each direction along Loyston Rd. The remaining 26 lots will have direct access to Old Maynardville Pike or from proposed Joint Permanent Easement off of Old Maynardville Pike. The portion of Old Maynardville Pike that fronts along this property has been closed for several years. The County will have to re-open this section of the road for this subdivision to go forward (see attached letter from Bruce Wuethrich).

The lots in the subdivision will be served by individual septic systems. The Knox County Health Department has submitted a letter regarding the use of subsurface sewage disposal systems (see attached letter). The problematic lots identified in the letter were based on earlier concept plan. The lots on the revised plan would be Lots 1, 2, 9, 10 and 31-33.

**MPC Action:**

Approved

**MPC Meeting Date:** 6/14/2007

**Details of MPC action:**

**Summary of MPC action:**

APPROVE variances 1 & 2 because the site's topography restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to the following 16 conditions:

**Date of MPC Approval:**

6/14/2007

**Date of Denial:**

**Postponements:** 5/10/2007

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

Knox County Chancery Court

**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:**